

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHRISTINE STEYER and MARTIN)
L. POOCK,)
)
Plaintiffs,)
)
-vs-) No. 1:17-CV-06014
)
LYRIC OPERA OF CHICAGO,)
)
Defendant.)

Discovery deposition of CHRISTINE STEYER,
taken before MARINA MOGILEVSKY, C.S.R., pursuant to the
Federal Rules of Civil Procedure for the United States
District Courts pertaining to the taking of
depositions, at Schueler, Dallavo & Casieri, 233 South
Wacker Drive, Suite 5230, in the City of Chicago, Cook
County, Illinois, at 9:00 o'clock a.m. on the 5th day
of September, 2019.

Job No. CS3514376

	Page 2		Page 4
1	There were present at the taking of this deposition	1	- EXHIBIT INDEX CONTINUED -
2	the following counsel:	2	PAGE
3		3	
4	HALL-JACKSON AND ASSOCIATES, P.C. by	Defendant Deposition Exhibit 15	163
5	MS. CHIQUITA HALL-JACKSON, Esquire and	4	
	MR. MASOOD SYED ALI, Esquire	Defendant Deposition Exhibit 16	170
6	180 West Washington Street	5	
	Suite 820	Defendant Deposition Exhibit 17	174
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	mali@hall-jacksonassociates.com	9	
9	Appeared on behalf of the Plaintiffs;	10	
10		11	* * o O o * *
11		12	
12	SCHUELER, DALLAVO & CASIERI by	13	
	MS. STEPHANIE A. CANTRELL	14	
13	233 South Wacker Drive	15	
	Suite 5230	16	
14	Chicago, Illinois 60606-6436	17	
	Phone: (312) 454-4736	18	
15	E-mail: scantrell@sdc-atty.com	19	
16	Appeared on behalf of the Defendant.	20	
17		21	
18		22	
19	ALSO PRESENT:	23	
20	Ms. Elizabeth Landon - Director of Human	24	
	Resources - Lyric Opera of Chicago.		
21			
22			
23			
24	* * o O o * *		
		Page 3	Page 5
1	DEPOSITION OF	1	CHRISTINE STEYER,
	Christine Steyer	2	called as a witness herein, having been first duly
2		3	sworn, was examined upon oral interrogatories and
	September 05, 2019	4	testified as follows:
3		5	EXAMINATION
4	EXAMINATION BY:	6	by Ms. Cantrell:
5	Ms. Stephanie A. Cantrell	7	MS. CANTRELL: Q Please state your name
6	Ms. Chiquita Hall-Jackson	8	for the record and spell it.
7		9	A Christine Anne Steyer. C-H-R-I-S-T-I-N-E,
8	* * * * *	10	A-N-N-E, S-T-E-Y-E-R.
9		11	MS. CANTRELL: Let the record reflect this
10	EXHIBITS	12	is the deposition of Plaintiff Christine Steyer taken
	PAGE	13	pursuant to notice and all applicable federal and
11	Defendant Deposition Exhibit 1	39	local court rules.
12	Defendant Deposition Exhibit 2	42	Q Christine, I think we've met a few times
13	Defendant Deposition Exhibit 3	50	now, if the last couple of years. But, again, for
14	Defendant Deposition Exhibit 4	54	the record, my name is Stephanie Contrell. I'm an
15	Defendant Deposition Exhibit 5	56	attorney for the Defendant Lyric Opera in this case.
16	Defendant Deposition Exhibit 6	73	Q Have you given prior depositions?
17	Defendant Deposition Exhibit 7	91	A No.
18	Defendant Deposition Exhibit 8	104	Q Okay. So I'm just going to give a couple
19	Defendant Deposition Exhibit 9	105	of general rules about giving depositions.
20	Defendant Deposition Exhibit 10	125	Q The first is, please answer, as you
21	Defendant Deposition Exhibit 11	143	have been, out loud as opposed to shaking your head
22	Defendant Deposition Exhibit 12	159	
23	Defendant Deposition Exhibit 13		
24	Defendant Deposition Exhibit 14		

2 (Pages 2 - 5)

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<p style="text-align: right;">Page 6</p> <p>1 or saying uh-huh or unh-unh. It's difficult for the 2 court reporter to write those kinds of responses 3 down.</p> <p>4 Please wait for me to finish the 5 question in its entirety before you answer. So that 6 we're not talking over each other. This will feel a 7 little bit like a conversation. And that's perfectly 8 normal. But if I have the opportunity to complete my 9 entire question before you answer, again, that's 10 easier for the court reporter.</p> <p>11 If you don't understand a question, 12 please ask me to restate; or your attorney here may 13 ask me to restate it as well. I'm happy to do that. 14 Otherwise, I'm going to assume that you understood 15 the question.</p> <p>16 You will have the opportunity to go 17 back and clarify any of your answers at the end of 18 the deposition. So as we're talking, if you think 19 that there's something that you misstated or you 20 wanted to correct, I'll give you that opportunity at 21 the end. Okay?</p> <p>22 A (Nodding head.)</p> <p>23 Oh, I have a question.</p> <p>24 MS. HALL-JACKSON: No, no, no. No</p>	<p style="text-align: right;">Page 8</p> <p>1 A And my business partner, Claudia Hommel, 2 H-O-M-M-E-L.</p> <p>3 Q When you say business partner, what type of 4 relationship is that?</p> <p>5 A Working In Concert. It's an organization 6 that we both are a part of. It's a nonprofit 7 organization.</p> <p>8 Q Is that the name of it, Working In Concert?</p> <p>9 A Uh-huh.</p> <p>10 Q I don't remember Ms. Hommel's name being 11 mentioned previously. Do you intend to call her as a 12 witness in this case?</p> <p>13 A No, I do not.</p> <p>14 Q Did you discuss your deposition with Bob 15 Prindle?</p> <p>16 A No, I did not.</p> <p>17 Q Did you discuss your deposition today with 18 any other current or former employees of The Lyric, 19 other than Martin?</p> <p>20 A No, I did not.</p> <p>21 Q Can you confirm your date of birth is 22 January 29th, 1968?</p> <p>23 A That is correct.</p> <p>24 Q And on October 15th, when you auditioned</p>
<p style="text-align: right;">Page 7</p> <p>1 questions.</p> <p>2 MS. CANTRELL: Q First of all, did you 3 review any documents in preparation for your 4 deposition today?</p> <p>5 A I did.</p> <p>6 Q What documents did you review?</p> <p>7 A I reviewed our demand for settlement 8 letter. I reviewed my resume, my bio. I reviewed 9 chorus reviews. I reviewed my interrogatories.</p> <p>10 Q Would that be the answers to --</p> <p>11 A Yes.</p> <p>12 Q -- the interrogatories that we propounded 13 to you?</p> <p>14 A I reviewed my answers to you.</p> <p>15 Q Okay. Anything of those documents that has 16 not been produced in this case? Anything we haven't 17 seen?</p> <p>18 A No.</p> <p>19 Q And did you discuss this deposition with 20 anyone prior to today, other than your attorney?</p> <p>21 A Yes. My husband.</p> <p>22 Q Anyone else?</p> <p>23 A Martin Poock.</p> <p>24 Q Anyone else?</p>	<p style="text-align: right;">Page 9</p> <p>1 for The Lyric and were non-re-engaged, which is the 2 date at issue in this case, can you confirm you were 3 47 years old?</p> <p>4 A Yes, I was.</p> <p>5 Q Have you ever been known by any other 6 names?</p> <p>7 A No, I have not.</p> <p>8 Q Are you taking any medication that would 9 impair your ability to testify truthfully and 10 accurately today?</p> <p>11 A No.</p> <p>12 Q You mentioned your husband. Would you 13 state his name for the record, please.</p> <p>14 A Paul Edward Geiger, G-E-I-G-E-R.</p> <p>15 Q And what is his job?</p> <p>16 A He is retired.</p> <p>17 Q What did he do before his retirement?</p> <p>18 A Handyman and opera singer.</p> <p>19 And, just to clarify, he occasionally 20 does do a handyman job or sing.</p> <p>21 Q And is your current address still 245 22 Washington Boulevard in Oak Park?</p> <p>23 A Yes.</p> <p>24 Q And how long have you lived at that</p>

<p>1 address?</p> <p>2 A Since about 2005.</p> <p>3 Q Do you own or rent that unit?</p> <p>4 A I have a mortgage. So I own.</p> <p>5 Q Does anyone else live with you other than</p> <p>6 your husband?</p> <p>7 A No.</p> <p>8 Q Any children or other dependents?</p> <p>9 A No.</p> <p>10 Q Have you ever been arrested or convicted of</p> <p>11 a crime?</p> <p>12 A No.</p> <p>13 Q I believe, according to the documents that</p> <p>14 you supplied, that there was a Chapter 7 Bankruptcy</p> <p>15 that was discharged in September of 2015; is that</p> <p>16 correct?</p> <p>17 A That's correct.</p> <p>18 Q Other than that, have you ever been party</p> <p>19 to any other litigation?</p> <p>20 A My nonprofit Bellissima Opera was involved</p> <p>21 in a -- B-E-L-L-I-S-S-I-M-A -- was involved in a</p> <p>22 incident with a theater in Oak Park, The Madison</p> <p>23 Street Theater.</p> <p>24 Q What is your relationship to Bellissima</p>	<p>Page 10</p> <p>1 Defendant's Exhibit A.</p> <p>2 Never mind. I'm going to mark this</p> <p>3 Defendant's Exhibit No. 1. My apologies.</p> <p>4 (Defendant Exhibit 1 marked as</p> <p>5 requested.)</p> <p>6 MS. CANTRELL: Q After you've had a</p> <p>7 chance to review, would you please turn to page 8 of</p> <p>8 this document.</p> <p>9 Does this appear to be a true and</p> <p>10 correct copy of the age discrimination complaint that</p> <p>11 you filed with the EEOC in this case?</p> <p>12 A Yes.</p> <p>13 Q In the body of this charge, you state that</p> <p>14 in October of 2015 you were demoted and replaced by a</p> <p>15 younger chorus professional.</p> <p>16 Do you see that language?</p> <p>17 A Sorry, what page again?</p> <p>18 Q Page 8.</p> <p>19 Do you see the language in the first</p> <p>20 paragraph of the body, which states, "In October</p> <p>21 2015, I was dismissed and replaced by a younger</p> <p>22 chorus professional"?</p> <p>23 A Yes.</p> <p>24 Q Who was that younger chorus professional</p>
<p>Page 11</p> <p>1 Opera?</p> <p>2 A I was the co-founder and artistic director.</p> <p>3 Q Were you named individually in that</p> <p>4 litigation?</p> <p>5 A I believe it was settled between lawyers.</p> <p>6 MS. HALL-JACKSON: You've got to listen.</p> <p>7 Would you mind repeating that,</p> <p>8 Counsel?</p> <p>9 MS. CANTRELL: Q Were you named</p> <p>10 individually in that lawsuit?</p> <p>11 A No.</p> <p>12 Q And you started to say that you believe</p> <p>13 it's been settled. Has it completely been disposed</p> <p>14 of at this point?</p> <p>15 A Oh, yes. Yes.</p> <p>16 Q So as far as any outstanding liabilities</p> <p>17 with respect to either that lawsuit or the Chapter 7</p> <p>18 Bankruptcy, do you have any outstanding liabilities?</p> <p>19 A No.</p> <p>20 Q Other than the EEOC charge filed prior to</p> <p>21 this litigation against Lyric Opera, have you ever</p> <p>22 filed any other EEOC or IDHR charges?</p> <p>23 A No.</p> <p>24 MS. CANTRELL: I'm going to mark this</p>	<p>Page 13</p> <p>1 that replaced you?</p> <p>2 A Kaileen Miller.</p> <p>3 Q Can you confirm that this is the basis for</p> <p>4 your lawsuit today, that you allege that you were</p> <p>5 discriminated against based on your age?</p> <p>6 A Yes.</p> <p>7 Q And can you confirm that's the only</p> <p>8 complaint brought as part of this lawsuit that we're</p> <p>9 discussing today?</p> <p>10 A Age and accompanying seniority.</p> <p>11 Age. Yes, age.</p> <p>12 Q Okay. What is the rest of this document?</p> <p>13 Can you state for the record what this document is?</p> <p>14 A It is the United States -- Oh, it is the</p> <p>15 Complaint of Employment Discrimination.</p> <p>16 Q Does this look like a true and correct copy</p> <p>17 of the complaint that you filed in the present</p> <p>18 litigation?</p> <p>19 A It does.</p> <p>20 May I point out one mistake in it?</p> <p>21 Q You can tell me if you think there's</p> <p>22 something inaccurate in it, but this --</p> <p>23 MS. HALL-JACKSON: Just yes and no</p> <p>24 questions, please.</p>

<p style="text-align: right;">Page 14</p> <p>1 MS. CANTRELL: Q I mean, is this a copy 2 of what you filed?</p> <p>3 A Yes.</p> <p>4 Q I'm going to ask you about paragraph 12, 5 which is on page 4.</p> <p>6 A Okay.</p> <p>7 Q Paragraph 12(h) states that you're alleging 8 you were demoted. Defined as reduction in rank, 9 status, hours and hourly pay.</p> <p>10 Do you see that language?</p> <p>11 A Yes, I do.</p> <p>12 Q And can you confirm that that is the basis 13 for this complaint here today?</p> <p>14 A The basis for this complaint is age 15 discrimination. And this H was demotion, that is 16 correct.</p> <p>17 Q Can you explain why you believe you were 18 demoted at Lyric Opera?</p> <p>19 A I was a member of the Core Supplemental 20 Chorus from 2012 until the end of the 2016 season. 21 And after that, I was a member of the Supplemental 22 Chorus for the following two seasons. And there was 23 a reduction in rank, status, hours, hourly pay, as 24 well as retirement benefits, sick time, personal</p>	<p style="text-align: right;">Page 16</p> <p>1 Q So even though it's not listed in the 2 complaint, is part of your position here today that 3 there was financial considerations for not 4 re-engaging you in the Core Supp? Is that what 5 you're stating?</p> <p>6 A Age discrimination and accompanying 7 seniority, correct.</p> <p>8 Q Well, how is seniority a discriminatory 9 practice?</p> <p>10 A Usually, there's a correlation between age 11 and seniority.</p> <p>12 Q Okay. So, again, the complaint that was 13 filed in the Federal District Court checks only age 14 discrimination. But then you went on to explain in 15 the complaint that you were demoted. Defined as a 16 reduction in rank, status, hours, and hourly pay.</p> <p>17 Correct?</p> <p>18 A Uh-huh.</p> <p>19 Q So you're saying that intertwined in that 20 is issues with respect to seniority. Is that what 21 you're saying?</p> <p>22 A Correct.</p> <p>23 Q Okay. But, as a basis, this is an age 24 discrimination complaint, correct?</p>
<p style="text-align: right;">Page 15</p> <p>1 time, unemployment benefits.</p> <p>2 Q Can you explain why you believe you were 3 entitled to a position in the Core Supp?</p> <p>4 A My work up and to that point had been 5 exemplary. And there was no indication, prior to my 6 2015 October audition, that anything with my work was 7 less than exemplary.</p> <p>8 Also, the CBA lists that a Chorus 9 Master has the right to bring to the attention anyone 10 that's not doing good work. And that choristers that 11 have been at the -- been employed there would 12 normally be considered to be re-employed. First 13 consideration goes to choristers that have been 14 working in those positions.</p> <p>15 Q Okay. So, just to be clear, the entire 16 basis of your lawsuit here today is based on this 17 paragraph 12(h), which claims a demotion on the basis 18 of age; is that right?</p> <p>19 A Yes.</p> <p>20 And with age, goes accompanying 21 seniority. Meaning that because of my long term at 22 Lyric Opera, I had also accrued seniority. And I was 23 being paid more than other members of the Core 24 Supplemental Chorus.</p>	<p style="text-align: right;">Page 17</p> <p>1 A Correct.</p> <p>2 Q All right. Let's back up a little bit. 3 Tell me about your educational 4 background.</p> <p>5 A How far back do you want to go?</p> <p>6 Q Where did you go to high school?</p> <p>7 A Lane Tech in Chicago.</p> <p>8 Q And did you receive a diploma?</p> <p>9 A Yes.</p> <p>10 Q What year was that?</p> <p>11 A '90 -- Oh, Sorry. '86.</p> <p>12 Q And did you attend any college after that?</p> <p>13 A Yes. Knox College in Galesburg, Illinois.</p> <p>14 Q What did you major in?</p> <p>15 A I received two degrees. One in Asian 16 studies, and the other in studio art.</p> <p>17 Q And were those bachelor degrees?</p> <p>18 A Uh-huh.</p> <p>19 Q What year did you receive those bachelor 20 degrees?</p> <p>21 A I think I received one in '90, and the 22 other in '92. I was completed there in '92, with the 23 two degrees.</p> <p>24 Q Aside from your bachelor's degrees, do you</p>

<p style="text-align: right;">Page 18</p> <p>1 have any other certificates or professional licenses?</p> <p>2 A Yes.</p> <p>3 Then I went to the University of Illinois in Champaign-Urbana, and I received a bachelor's degree in vocal performance and a master's degree in vocal performance.</p> <p>7 Q And what year was that?</p> <p>8 A I believe '95 was the bachelor's, and '96 was the master's.</p> <p>10 Q Both from the University of Illinois?</p> <p>11 A Uh-huh.</p> <p>12 Q Are there any other professional licenses that we haven't discussed?</p> <p>14 A I don't believe so.</p> <p>15 Q Have you done any job training or apprenticeships as part of your career?</p> <p>17 A Yes.</p> <p>18 Q What were those?</p> <p>19 A I did the Allen Stone Debut Artists in Chicago.</p> <p>21 Q What is that?</p> <p>22 A It was a apprenticeship program for young singers in Chicago, where you would get coachings and you would be performing throughout the city.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q Okay. Were all of these part-time positions?</p> <p>3 A Yes.</p> <p>4 Q And we'll talk about The Lyric in a minute. 5 But prior to becoming engaged at The Lyric, had you ever had a full-time singing position?</p> <p>7 A No.</p> <p>8 Q Is that common, for choristers to have a multiple of part-time positions as opposed to one regular full-time position?</p> <p>11 A Yes.</p> <p>12 Q When you sang for the Chicago Symphony and -- Did you say it was the Grant Park Music Festival?</p> <p>15 A I think that's what it's called.</p> <p>16 Q Okay. Was that as a soloist, or as part of a chorus?</p> <p>18 A Chorus.</p> <p>19 Q In both cases?</p> <p>20 A Yes.</p> <p>21 Q Other than the Chicago Symphony, Grant Park, and The Lyric, have you sung in a chorus; or 23 were these solo performances?</p> <p>24 A Music of the Baroque was also as a chorus</p>
<p style="text-align: right;">Page 19</p> <p>1 Q And what year did you apprentice for Allen Stone?</p> <p>3 A I think '98, '99.</p> <p>4 Q So what did you do for a living between the time you finished your graduate degrees in '96 and 1998, when you had your apprenticeship?</p> <p>7 A I was doing a mixture of things.</p> <p>8 I was -- I'm going to just -- I'm going to just list the things that I did between 10 that. And probably starting at Lyric, because 11 they're going to get muddled together a little bit.</p> <p>12 If that's all right?</p> <p>13 Q Sure.</p> <p>14 A Because I think it'll just be easier to give the list.</p> <p>16 I did some work with Chicago Symphony Chorus. I did some work with Grant Park. I was teaching voice at Leyden, L-E-Y-D-E-N, East and West High Schools in Franklin Park. I sang with Music of the Baroque in the chorus. I did several opera roles with small companies. I gave some recitals in Chicago. I did Opera for the Young.</p> <p>23 There might be more, but that's what comes to mind right now.</p>	<p style="text-align: right;">Page 21</p> <p>1 member.</p> <p>2 Q Anything else?</p> <p>3 A Probably the occasional being hired to sing for maybe a church festival, but nothing on a regular basis that would stick out in my mind.</p> <p>6 Q Okay. Other than what you've just described --</p> <p>8 A I would also like to add that I had a church job a lot of the time. I would sing regularly. And I did some waitressing in between all of that as well.</p> <p>12 Q What of these roles that you just described, again, other than The Lyric, were opera roles?</p> <p>15 A Just to clarify the question, roles that I was asked to sing as a soloist?</p> <p>17 Q Either one.</p> <p>18 So when you sang for the Chicago Symphony, was that classical music or was that operatic or something else?</p> <p>21 A It was a classical technique as opposed to musical theater. These were choruses that would do classical repertoire.</p> <p>24 Q Okay. And what about Grant Park Music</p>

<p style="text-align: right;">Page 22</p> <p>1 Festival?</p> <p>2 A Classical repertoire.</p> <p>3 Q Music of the Baroque, what was their</p> <p>4 repertoire?</p> <p>5 A Usually, Baroque, Bach, Handel.</p> <p>6 Q Is there any additional training that you</p> <p>7 had to do to sing as a chorister in an opera?</p> <p>8 A Are you asking me beyond my education in</p> <p>9 those four years?</p> <p>10 Q Yes.</p> <p>11 A I was always taking voice lessons</p> <p>12 throughout that period. At least twice a month for</p> <p>13 that four-year period.</p> <p>14 Q And have you always been considered a</p> <p>15 soprano?</p> <p>16 A Yes, Soprano I.</p> <p>17 Q And, just to clarify, a Soprano I is the</p> <p>18 highest level soprano; is that right? In terms of --</p> <p>19 A Range.</p> <p>20 Q -- range. Thank you.</p> <p>21 A Yes.</p> <p>22 Q Okay. Is there anything that we haven't</p> <p>23 covered in terms of your prior work experience before</p> <p>24 you joined Lyric? Anything that you can think of?</p>	<p style="text-align: right;">Page 24</p> <p>1 (discussion had off the record.)</p> <p>2 MS. CANTRELL: Okay. We're back on.</p> <p>3 Q So, Christine, to clarify, you don't just</p> <p>4 perform opera. You also perform with orchestras, and</p> <p>5 you've done some musical theater; is that right?</p> <p>6 A I've done a bit of musical theater. But</p> <p>7 the bulk of my singing has been classical repertoire.</p> <p>8 Q Aside from the jobs that we've just</p> <p>9 discussed in the Chicago area, have you also</p> <p>10 performed for different venues around the country?</p> <p>11 A Yes.</p> <p>12 Q And where would that be?</p> <p>13 A Can you clarify the year we're starting</p> <p>14 with?</p> <p>15 Q Sure.</p> <p>16 Let's start with following the receipt</p> <p>17 of your master's degree until the time you worked for</p> <p>18 Lyric in 1999.</p> <p>19 A I believe the only thing I did out of the</p> <p>20 country at that point was singing with the Chicago</p> <p>21 Symphony in Berlin, Symphony Chorus.</p> <p>22 And I sang with Tulsa Opera, I</p> <p>23 remember now, before I -- I believe I sang with Tulsa</p> <p>24 Opera as well before I was engaged at Lyric.</p>
<p style="text-align: right;">Page 23</p> <p>1 A I believe I've covered everything.</p> <p>2 Q Okay. Thank you.</p> <p>3 So I just asked you about being a</p> <p>4 soprano or a Soprano I. What does that mean to a</p> <p>5 non-musical person?</p> <p>6 A So the chorus is divided roughly into four</p> <p>7 voice types. Soprano, alto, tenor, and bass.</p> <p>8 Sometimes when you're singing a piece</p> <p>9 of choral music, you have the music divided into four</p> <p>10 parts. So each of those voice categories would sing</p> <p>11 that part. The soprano being the highest of the</p> <p>12 women. The alto being the lowest of the women.</p> <p>13 Occasionally, there's a piece of music</p> <p>14 where, for example, the women's voices need to sing</p> <p>15 more than two notes. So the notes might be</p> <p>16 divided -- There might be, for example, three notes</p> <p>17 that the women have to sing on this particular</p> <p>18 passage. And so then they have to break those groups</p> <p>19 of women not into two categories, but into three</p> <p>20 categories. Or perhaps four categories, if there are</p> <p>21 four notes that they're responsible for.</p> <p>22 So the Soprano I's would always take</p> <p>23 the upper note.</p> <p>24 MS. CANTRELL: Off the record for a second.</p>	<p style="text-align: right;">Page 25</p> <p>1 Q And you first worked at Lyric in --</p> <p>2 A Oh, pardon me.</p> <p>3 Q Yes.</p> <p>4 A And I also sang with Opera for the Young.</p> <p>5 We were in multiple states.</p> <p>6 So that was a touring company. We</p> <p>7 sang in Illinois, I think Wisconsin, Michigan, and</p> <p>8 Indiana, I believe.</p> <p>9 Q Anything else that you think of?</p> <p>10 A Can you please repeat the original</p> <p>11 question.</p> <p>12 Q Between the time you graduated with your</p> <p>13 master's degree in vocal performance and the time you</p> <p>14 began regular employment at The Lyric, were there any</p> <p>15 other venues around the country, not just in Chicago,</p> <p>16 where you sang?</p> <p>17 A I think that's it.</p> <p>18 Q Okay. You first began working at Lyric in</p> <p>19 1999; is that correct?</p> <p>20 A That's the correction I wanted to make</p> <p>21 earlier. I started in 2000.</p> <p>22 Q Okay. When did you first audition for the</p> <p>23 Lyric Opera?</p> <p>24 A It was in the general auditions, which I</p>

<p style="text-align: right;">Page 26</p> <p>1 believe were around the start of the new year, 2 slightly before or slightly after. 3 So just between that December 4 1999-January 2000, right in there. At the -- 5 Actually, I think the general auditions were in the 6 spring. My apologies. It was whenever the general 7 auditions normally are.</p> <p>8 Q And general auditions are held for the 9 following season, correct?</p> <p>10 A Yes.</p> <p>11 Q So if the general audition was in March of 12 2000, for example, that would be for the 2000-2001 13 season; is that right?</p> <p>14 A Correct. So I believe it was in the 15 spring, yes.</p> <p>16 Q Okay. You didn't audition in 1999 for the 17 1999-2000 season? You believe it was later than 18 that?</p> <p>19 A Correct. Yes. I apologize. That was an 20 error on my part before.</p> <p>21 So, just to clarify, I auditioned in 22 the general auditions in the spring of 2000. And I 23 started at Lyric in the fall of 2000. August, I 24 believe.</p>	<p style="text-align: right;">Page 28</p> <p>1 chorus for the 2000-2001 season? 2 A Yes, I was offered a full-time position. 3 Q And when you say full time, is that in the 4 Regular -- 5 A Yes. 6 Q -- what's commonly referred to as the 7 Regular Chorus? 8 A Correct. 9 Q All right. I'm jumping around a little bit 10 again, but can you explain to me the different levels 11 of chorus at the Lyric Opera?</p> <p>12 A Yes.</p> <p>13 So there are 48 choristers. And I'm 14 referring to not what's happening currently, but at 15 the time. 48 regular choristers, 12 of each voice 16 type. And with Regular Chorus, it's a full-time 17 position with salary, benefits, and the CBA does 18 break down sort of an hourly rate and four levels of 19 tier of increases in pay depending on years of 20 seniority, hourly and per performance.</p> <p>21 Then there's the second level, which 22 is the Core Supplemental Chorus, which are 12 23 choristers -- and at the time it was three of each 24 voice type -- that would be the first to be asked</p>
<p style="text-align: right;">Page 27</p> <p>1 Q Thank you.</p> <p>2 How did you come to audition for The 3 Lyric? How did you hear about the position?</p> <p>4 A Well, I had been in Chicago for about four 5 years. And so you hear from other people about job 6 opportunities.</p> <p>7 And I was also studying at the time 8 with Barbara Pearson, who had several students that 9 sang in the Lyric Opera Chorus. I think her last 10 name is spelled P-E-A-R-S-O-N. As well as Karen 11 Brunssen, B-R-U-N-S-S-E-N, who also had several 12 students in the Lyric Opera Chorus. And they 13 encouraged me to audition.</p> <p>14 Q Had you -- so -- Sorry. Strike that.</p> <p>15 So what position did you audition for 16 in the general audition of spring of 2000?</p> <p>17 A I just auditioned in the general audition.</p> <p>18 Q So at that time you didn't know where in 19 the chorus you might fall. Is that fair to say?</p> <p>20 A Exactly.</p> <p>21 Q Okay. Do you recall who was the Chorus 22 Master in the spring of 2000?</p> <p>23 A Donald Palumbo, P-A-L-U-M-B-O.</p> <p>24 Q And were you in fact selected for the</p>	<p style="text-align: right;">Page 29</p> <p>1 when there were operas needed beyond 48. And that 2 was a two-year position, with an audition every two 3 years. The hourly rate and the per-performance rate 4 and the benefits were less than what the Regular 5 Chorus would receive by about \$8 an hour and about 30 6 per performance. Plus, they didn't receive the 7 benefits. And they were paid hourly.</p> <p>8 And then the third tier or the third 9 group, shall we say, and those were also tiered into 10 four categories. So depending on years of service, 11 your pay would increase.</p> <p>12 And then there's the fourth group, 13 which is the Supplemental Chorus, which are people 14 that our choristers needed if an opera calls for more 15 than 60. And, again, there is a reduction in about 16 \$8 an hour, about \$30 per performance, they have to 17 audition every year, and also that category has four 18 tiers of seniority.</p> <p>19 Q When you were hired in the fall of 2000 at 20 The Lyric, were you a member of AGMA?</p> <p>21 A Yes.</p> <p>22 Q And, to clarify the record, that's the 23 American Guild of Musical Artists; is that right?</p> <p>24 A Yes.</p>

<p style="text-align: right;">Page 30</p> <p>1 Q You made reference earlier to the CBA. Is 2 that the Collective Bargaining Agreement under AGMA?</p> <p>3 A Uh-huh.</p> <p>4 Q Just so we're talking about the same 5 document.</p> <p>6 A Uh-huh.</p> <p>7 Q And, I'm sorry, did you say you did have to 8 become a member when you joined The Lyric in 2000?</p> <p>9 A I did. But I believe I was already a 10 member, because I was singing with Grant Park Chorus 11 prior to that.</p> <p>12 QOkay. And you were required to become a 13 member of AGMA for Grant Park?</p> <p>14 A Uh-huh.</p> <p>15 Q When you were engaged at The Lyric in the 16 fall of 2000, for the 2000-2001 season as a Regular 17 Chorister, did you receive a contract?</p> <p>18 A Yes.</p> <p>19 Q And did that contract have specific dates, 20 like a beginning date and an end date?</p> <p>21 A Are you asking if it was a one-year 22 contract?</p> <p>23 Can you clarify the question?</p> <p>24 Q I'm asking how many years it was for.</p>	<p style="text-align: right;">Page 32</p> <p>1 or a contract for employment, are there more 2 protections as a Regular Chorister than as a Core 3 Supp or a Supp Chorister?</p> <p>4 A There are generally more protections.</p> <p>5 Q And we'll go through that in a little bit 6 more detail in a few minutes.</p> <p>7 A Yeah.</p> <p>8 Q Is it accurate to say that you were engaged 9 by the Lyric every season from 2000 through 2006?</p> <p>10 A Yes.</p> <p>11 Q And then you voluntarily left Lyric in 12 January of 2007; is that right?</p> <p>13 A Yes.</p> <p>14 MS. CANTRELL: I'd like to mark this as 15 Exhibit 2.</p> <p>16 THE WITNESS: I would like to add 17 something.</p> <p>18 During my time at Lyric as a full-time 19 chorister, I always did -- I also did a number of 20 extra things. I was hired, through the audition 21 process, to do at least seven understudies or small 22 roles or cover roles.</p> <p>23 MS. CANTRELL: Q At The Lyric or outside 24 The Lyric?</p>
<p style="text-align: right;">Page 31</p> <p>1 A You know, I'm not sure.</p> <p>2 Q Okay. Did you have to re-audition as a 3 member of the Regular Chorus?</p> <p>4 A I believe at that time our auditions were 5 every two years. Our re-auditions were every two 6 years.</p> <p>7 So it was my understanding at the time 8 that I got that contract, that I was employed for 9 this position.</p> <p>10 Q For at least a two-year period, is that 11 what you're stating?</p> <p>12 A Unless something went wrong, I was 13 employed. So...</p> <p>14 Q Okay. Do you know, sitting here today, are 15 there certain procedures that The Lyric would have to 16 go through to terminate a member of the Regular 17 Chorus?</p> <p>18 A Yes.</p> <p>19 Q Okay. Is that different from the Core Supp 20 and the Supp, as far as you know?</p> <p>21 A The CBA is quite complicated on this 22 matter. There are some things that are the same, and 23 there are some things that are different.</p> <p>24 Q But with respect to longevity of employment</p>	<p style="text-align: right;">Page 33</p> <p>1 A At the Lyric Opera of Chicago.</p> <p>2 Q All right. And we'll talk a little more 3 about -- Well, let me scratch that. Let me ask you 4 this.</p> <p>5 As a Regular Chorister, which is a 6 full-time position --</p> <p>7 A Correct.</p> <p>8 Q -- are you allowed to do any outside work 9 for other groups other than The Lyric?</p> <p>10 A You're not allowed to do that if it 11 conflicts with the Lyric's schedule.</p> <p>12 So you can do -- To clarify, during 13 the requirement of the rehearsal and performance 14 schedule at Lyric Opera, you're not allowed to take 15 outside work that would conflict with your 16 responsibilities at Lyric.</p> <p>17 Q So, in other words, the contract requires 18 that you prioritize Lyric; is that right?</p> <p>19 A Exactly.</p> <p>20 Q Even as a full-time chorister for The 21 Lyric, are you engaged every month of the year for 22 Lyric?</p> <p>23 A No.</p> <p>24 Q So it's seasonal work, even as a full-time</p>

<p style="text-align: right;">Page 34</p> <p>1 employee; is that right?</p> <p>2 A Correct.</p> <p>3 Q So do you have the ability, during the off</p> <p>4 season, to perform elsewhere in the City of Chicago</p> <p>5 or throughout the nation?</p> <p>6 A Yes. Correct.</p> <p>7 Q Okay.</p> <p>8 A And while at Lyric as well, to some extent.</p> <p>9 For example, a church job on a Sunday</p> <p>10 morning when we don't have rehearsal.</p> <p>11 Q As long as it doesn't interfere with the</p> <p>12 Lyric's schedule, right?</p> <p>13 A Correct.</p> <p>14 Q Okay.</p> <p>15 A To be very clear, we are allowed a few</p> <p>16 hours of personal time every season as well.</p> <p>17 So if you had a performance that you</p> <p>18 wanted to do, and you wanted to miss, for example,</p> <p>19 one performance and you had those hours accrued, you</p> <p>20 could request to have that off, if you gave notice.</p> <p>21 Q So even as a Regular Full-Time Chorister</p> <p>22 for The Lyric, did you hold other positions during</p> <p>23 that period of time, from 2000 through 2006; or did</p> <p>24 you perform elsewhere?</p>	<p style="text-align: right;">Page 36</p> <p>1 following that, saying that I decided I was not going</p> <p>2 to return; and exercise my right to come back into</p> <p>3 the chorus.</p> <p>4 Q All right. Thank you.</p> <p>5 So there's a letter that preceded</p> <p>6 this, where you took a year off. So you actually</p> <p>7 didn't perform for The Lyric since the spring of</p> <p>8 2006?</p> <p>9 A Correct.</p> <p>10 Q This letter is addressed to someone named</p> <p>11 Thomas. Do you know who that is?</p> <p>12 A I do not.</p> <p>13 Q It also states that during the last year,</p> <p>14 I've been busy pursuing a solo career?</p> <p>15 A Uh-huh.</p> <p>16 Q That would have been the year that you were</p> <p>17 basically taking a break from Lyric; is that right?</p> <p>18 A Yes.</p> <p>19 Q And did you in fact pursue a solo career</p> <p>20 during this time?</p> <p>21 A I did.</p> <p>22 Q How old were you at the time you resigned</p> <p>23 from Lyric?</p> <p>24 A Okay. Let me do my math.</p>
<p style="text-align: right;">Page 35</p> <p>1 A Yes.</p> <p>2 MS. CANTRELL: I'm going to mark this as</p> <p>3 Exhibit 2.</p> <p>4 (Defendant Exhibit 2 marked as</p> <p>5 requested.)</p> <p>6 MS. CANTRELL: Q Can you tell me what</p> <p>7 this document is.</p> <p>8 A This was my letter to, I imagine, the</p> <p>9 administrative office at Lyric Opera of Chicago,</p> <p>10 saying that I was going to not plan to return the</p> <p>11 following season. So that would have been the</p> <p>12 2006-2007 season, I believe.</p> <p>13 Q The letter is dated January 8th, 2007,</p> <p>14 correct?</p> <p>15 A Oh, let me correct that.</p> <p>16 In 2006 I decided, because I had</p> <p>17 worked there for six years, I was entitled to,</p> <p>18 basically, a sabbatical. Whether or not they call it</p> <p>19 that, I'm not sure. But we're allowed to take one</p> <p>20 year off after six years. And then our spot is held</p> <p>21 open for us, and then we're allowed to come back.</p> <p>22 So this letter is not the 2006 letter</p> <p>23 that I wrote informing Lyric that I was going to take</p> <p>24 the year off. This was the letter that I wrote</p>	<p style="text-align: right;">Page 37</p> <p>1 39, perhaps, if my math is correct.</p> <p>2 38, 39.</p> <p>3 Q Okay. And how many years did you perform</p> <p>4 primarily as a soloist? Or how many years did you</p> <p>5 pursue your solo career?</p> <p>6 A Well, I pursued it actively for several</p> <p>7 years following that. But, as we know, in 2008, with</p> <p>8 the downturn of the financial crisis, the opera</p> <p>9 business dried up nationally and internationally.</p> <p>10 And so I was among hundreds of singers</p> <p>11 that were struggling to find work, or had work that</p> <p>12 had been canceled.</p> <p>13 Q When did you decide to try to return to the</p> <p>14 Lyric?</p> <p>15 A In 2011 I entertained the idea of</p> <p>16 re-auditioning to be a part of the Lyric.</p> <p>17 And so I went into preparation to do</p> <p>18 the application for the spring of 2012 audition.</p> <p>19 Q Did you know whether or not they had any</p> <p>20 positions open at the time?</p> <p>21 A I did not.</p> <p>22 Q When you auditioned in 2011 --</p> <p>23 A No, I auditioned in 2012.</p> <p>24 Q So 2011 was a preparatory year for you; is</p>

<p style="text-align: right;">Page 38</p> <p>1 that right?</p> <p>2 A Yes.</p> <p>3 Q Okay. So you re-auditioned in 2012.</p> <p>4 At that point did you know what</p> <p>5 position you were applying for?</p> <p>6 A No. Because they're not publicized, I</p> <p>7 don't believe. So I was doing the general auditions,</p> <p>8 seeing what was available.</p> <p>9 Q And general auditions, we said previously,</p> <p>10 are typically held in the spring for the following</p> <p>11 season; is that right?</p> <p>12 A Uh-huh. Correct.</p> <p>13 Q Okay. At any point during that spring of</p> <p>14 2012, did you come to realize that you were</p> <p>15 auditioning for a position in the Core Supp as</p> <p>16 opposed to the Regular Chorus; or is that not</p> <p>17 determined until you have the results of your</p> <p>18 audition?</p> <p>19 A Can you state the question again, please.</p> <p>20 Q Sure. I'll try to rephrase it.</p> <p>21 At the time you applied and</p> <p>22 re-auditioned for The Lyric in spring of 2012, did</p> <p>23 anyone inform you that you were auditioning for a</p> <p>24 Core Supp position as opposed to a Regular Chorister</p>	<p style="text-align: right;">Page 40</p> <p>1 A I didn't have to re-audit, because --</p> <p>2 No, wait. Let me correct this. Hold on a second.</p> <p>3 This is where it gets a little confusing.</p> <p>4 I don't recall.</p> <p>5 QOkay.</p> <p>6 A I know I had a 2013 audition and a 2015</p> <p>7 audition. So I'm not sure.</p> <p>8 QOkay. Could this have been the first time</p> <p>9 you were re-engaged at The Lyric following your</p> <p>10 return?</p> <p>11 ANo. I definitely started in -- No. I</p> <p>12 definitely started in 2012-2013 under Martin Wright.</p> <p>13 QOkay. And do you remember who the Chorus</p> <p>14 Master was during --</p> <p>15 AOh, sorry.</p> <p>16 Yes, 2012-2013 under Martin Wright.</p> <p>17 Yes.</p> <p>18 QDo you remember who the Chorus Master was</p> <p>19 during this audition period for the 2013-14 season,</p> <p>20 as reflected in this Exhibit 3?</p> <p>21 ASO, I believe, Martin Wright was the Chorus</p> <p>22 Master for the first few months of that season.</p> <p>23 QWho was the Chorus Master following the</p> <p>24 first few months?</p>
<p style="text-align: right;">Page 39</p> <p>1 position?</p> <p>2 A No, no. It was a general audition. So I</p> <p>3 had no idea what was available, if in fact anything.</p> <p>4 Q Okay.</p> <p>5 MS. CANTRELL: I'm going to mark this</p> <p>6 Exhibit 3.</p> <p>7 (Defendant Exhibit 3 marked as</p> <p>8 requested.)</p> <p>9 MS. CANTRELL: Q Can you tell me what</p> <p>10 this document is.</p> <p>11 A This is a notice of re-engagement from</p> <p>12 Stephanie Karr in the Core Supplemental position for</p> <p>13 the 2013-14 season dated 2012, November 26.</p> <p>14 Q Just so we're clear on the time frame, if</p> <p>15 you auditioned in the spring of 2012, you may have</p> <p>16 become engaged for the 2012-2013 season?</p> <p>17 A Correct.</p> <p>18 Q Is that right?</p> <p>19 A Under Maestro Martin Wright.</p> <p>20 Q Okay. This letter is dated November 2012</p> <p>21 for the 2013-14 season?</p> <p>22 A Correct.</p> <p>23 Q So did you re-audit between the spring</p> <p>24 of 2012 and November of 2012?</p>	<p style="text-align: right;">Page 41</p> <p>1 A And then I believe there was a change of</p> <p>2 Chorus Master.</p> <p>3 Q And do you recall why?</p> <p>4 A I'm not sure why Martin Wright left.</p> <p>5 Q And who replaced him?</p> <p>6 A There was a kind of rotating door.</p> <p>7 We had Phil Moorehead for some</p> <p>8 rehearsals. Donna Palumbo came back for one</p> <p>9 rehearsal. And then we had somebody from California,</p> <p>10 and I can't remember his name, that came in.</p> <p>11 Q And all of this would have been for the</p> <p>12 2013-14 season. Is that your recollection?</p> <p>13 A No. I believe Michael came back for the</p> <p>14 '13 -- Michael Black was given a full-time position</p> <p>15 starting in 2013-14.</p> <p>16 Q Okay. So the Chorus Masters you just</p> <p>17 named, after Chorus Master Wright left, was for the</p> <p>18 prior season, the 2012-2013 season? Is that what</p> <p>19 you're stating?</p> <p>20 A Correct.</p> <p>21 Q Okay.</p> <p>22 A To the best of my knowledge. It's</p> <p>23 confusing.</p> <p>24 Q I know. It is confusing. And we're going</p>

<p>1 back a few years.</p> <p>2 A Yeah.</p> <p>3 Q But you believe that during the 2013-14</p> <p>4 season, by this time Michael Black was the Chorus</p> <p>5 Master; is that right?</p> <p>6 A Correct.</p> <p>7 Q And how old were you at the time of this</p> <p>8 letter, Exhibit 3, issued in 2012?</p> <p>9 A Oh, boy.</p> <p>10 Q If I said you were 44 years old at the</p> <p>11 time, does that sound right to you?</p> <p>12 A That sounds about right.</p> <p>13 Q Okay.</p> <p>14 MS. CANTRELL: We're going to mark this as</p> <p>15 Exhibit 4.</p> <p>16 (Defendant Exhibit 4 marked as</p> <p>17 requested.)</p> <p>18 MS. CANTRELL: Q Before we get to this</p> <p>19 exhibit, once you are -- Actually, let's look back at</p> <p>20 Exhibit 3 again.</p> <p>21 When you received this letter</p> <p>22 November 26th of 2012, or on or about November 26th,</p> <p>23 what position were you hired for as a member of the</p> <p>24 Lyric?</p>	<p>Page 42</p> <p>1 Q Why did you audition in March of 2013?</p> <p>2 A Ah, I know why I auditioned. And this was</p> <p>3 a voluntary audition, if my memory serves me</p> <p>4 correctly.</p> <p>5 It had been told to the Chorus, at the</p> <p>6 very end of the season, by Lyric who the new Chorus</p> <p>7 Master was going to be officially. And so what I</p> <p>8 believe, to the best of my knowledge, this is, is</p> <p>9 that Michael Black came back, and I voluntarily sang</p> <p>10 for him.</p> <p>11 I was not required to do so. It was a</p> <p>12 good faith on my part. So that he could hear my</p> <p>13 voice, to be familiar with my voice.</p> <p>14 Q Okay. So this was an optional audition?</p> <p>15 A This was a voluntarily audition on my part,</p> <p>16 I was not compensated for it, to show a good effort</p> <p>17 on my part.</p> <p>18 Q Okay.</p> <p>19 A Since, when he was a guest Chorus Master</p> <p>20 two seasons prior, I was not in the Core at that time</p> <p>21 or in the chorus at all. And so he didn't know my</p> <p>22 voice.</p> <p>23 Q Okay. So the prior exhibit that we looked</p> <p>24 at, Exhibit 3, which was for the 2013-14 season,</p>
<p>1 A The Core Supplemental Chorus, Soprano I.</p> <p>2 Q So following your roughly four-year or</p> <p>3 five-year break from the Lyric after you resigned</p> <p>4 from the Regular Chorus, were you re-engaged in 2012</p> <p>5 and 2013 in the Core?</p> <p>6 A Yes, correct.</p> <p>7 Q Okay. It's my understanding that members</p> <p>8 of the Core have to audition -- re-audition for their</p> <p>9 position every two years; is that right?</p> <p>10 A That's correct.</p> <p>11 Q Are those re-auditions always held in the</p> <p>12 fall, roughly October/November, for the Core?</p> <p>13 A Correct.</p> <p>14 Q As long as they're a re-audition, correct?</p> <p>15 A Correct.</p> <p>16 Q And then general auditions, open to the</p> <p>17 public, are usually in the spring, correct?</p> <p>18 A Correct.</p> <p>19 Q Okay. So now let's look at Exhibit 4.</p> <p>20 And you'll this says, Date of</p> <p>21 Audition: Monday, March 4th, 2013.</p> <p>22 Do you see that at the top of the</p> <p>23 page?</p> <p>24 A Uh-huh.</p>	<p>Page 43</p> <p>1 dated November of 2012, you received a letter of</p> <p>2 re-engagement --</p> <p>3 A Yes.</p> <p>4 Q -- this letter of re-engagement, correct?</p> <p>5 A Correct.</p> <p>6 Q For the 2013-14 season --</p> <p>7 A Right.</p> <p>8 Q -- in November of 2012?</p> <p>9 A Correct.</p> <p>10 Q And then a few months later, in March, you</p> <p>11 voluntarily sang for him, because he hadn't heard you</p> <p>12 before?</p> <p>13 MS. HALL-JACKSON: Let her finish, please.</p> <p>14 MS. CANTRELL: Q Is that correct?</p> <p>15 A Correct.</p> <p>16 Q And it does say at the top Supplementary</p> <p>17 Chorus Re-Auditions. So that seems to coincide with</p> <p>18 what you're saying.</p> <p>19 Does that sort of refresh your</p> <p>20 recollection that this was an additional?</p> <p>21 A No. Because does supplementary here mean</p> <p>22 supplementary, as in, the third tier of chorus; or</p> <p>23 does supplementary mean this is an extra audition,</p> <p>24 just because we were, you know, trying to help</p>

12 (Pages 42 - 45)

<p style="text-align: right;">Page 46</p> <p>1 Michael out?</p> <p>2 Q Well, that's my question to you.</p> <p>3 A So that's a great question.</p> <p>4 I don't know. I didn't create the</p> <p>5 form. But it certainly doesn't mean that I was a</p> <p>6 member of the Supplementary Chorus.</p> <p>7 Q You were still a member of the Chorus?</p> <p>8 A Correct.</p> <p>9 Q Okay. This Exhibit 4 is a four-page</p> <p>10 document; is that right?</p> <p>11 A Uh-huh.</p> <p>12 Q Can you turn to page 2.</p> <p>13 A Uh-huh.</p> <p>14 Q Do you know whose notes these are?</p> <p>15 A I do not.</p> <p>16 They are not signed and they are not</p> <p>17 dated, for the record.</p> <p>18 Q If you can look at page 4. Do you know</p> <p>19 whose notes these are?</p> <p>20 A I do not.</p> <p>21 They are not signed and dated, for the</p> <p>22 record.</p> <p>23 Q Who did you sing for at the March 4th, 2013</p> <p>24 audition?</p>	<p style="text-align: right;">Page 48</p> <p>1 probably would have been somebody next to him at the</p> <p>2 table, and there would have probably been an AGMA</p> <p>3 representative in the back of the room.</p> <p>4 Q Okay. On the bottom of page 1 of this</p> <p>5 document, it says repertoire list?</p> <p>6 A Uh-huh.</p> <p>7 Q Can you read for me what three songs are</p> <p>8 listed?</p> <p>9 A Yeah.</p> <p>10 Stridono lassu, Donde lieta, Adieu</p> <p>11 notre petite table.</p> <p>12 Q All right. If you turn to page 2, at the</p> <p>13 top of the page it says repertoire; and it says</p> <p>14 No. 1. Can you read to me what song is listed there?</p> <p>15 A Stridono lassu.</p> <p>16 Q So would it be fair to say that the</p> <p>17 comments on this letter are for your performance of</p> <p>18 Stridono lassu from March 4th, 2013?</p> <p>19 A Not necessarily, because I sang that aria</p> <p>20 for many auditions.</p> <p>21 Q Okay. And page 3 of this document, Exhibit</p> <p>22 4, lists three additional songs; is that correct?</p> <p>23 A Yes, but I don't know the date that these</p> <p>24 were sung. This is a different list of songs.</p>
<p style="text-align: right;">Page 47</p> <p>1 A I would like to draw attention to something</p> <p>2 in these documents.</p> <p>3 MS. HALL-JACKSON: Just answer her</p> <p>4 question.</p> <p>5 MS. CANTRELL: Q Who did you sing for at</p> <p>6 the March 4th, 2013 audition?</p> <p>7 A The March 2013 audition?</p> <p>8 Q Yes, the document that you have in your</p> <p>9 hand. Who did you perform for at this audition?</p> <p>10 A These documents represent different</p> <p>11 auditions. This is not all from the same audition.</p> <p>12 And can I please bring your attention to that?</p> <p>13 MS. HALL-JACKSON: If you don't know, you</p> <p>14 don't know. Just answer her question.</p> <p>15 MS. CANTRELL: Q Yeah, we'll get to that</p> <p>16 in just a minute.</p> <p>17 A Okay.</p> <p>18 Q Who did you sing for at the March 4th, 2013</p> <p>19 audition?</p> <p>20 A The voluntary March 2013 audition, Michael</p> <p>21 Black.</p> <p>22 Q Was there anyone else in the audition with</p> <p>23 you?</p> <p>24 A There would have been a pianist, there</p>	<p style="text-align: right;">Page 49</p> <p>1 Q Correct.</p> <p>2 And one of them is I Want Magic; is</p> <p>3 that correct?</p> <p>4 A Correct.</p> <p>5 Q Page 4 of this document lists two songs.</p> <p>6 One is I Want Magic, and the other is Quando me'n vo</p> <p>7 from La Bohème; is that right?</p> <p>8 A Correct.</p> <p>9 Q And understanding that this document is not</p> <p>10 dated, do you believe that these were the comments</p> <p>11 from your performance of Quando me'n vo and I Want</p> <p>12 Magic?</p> <p>13 A I believe so, because I believe I only sang</p> <p>14 Quando me'n vo for that particular audition.</p> <p>15 Whereas, I sang I Want Magic for multiple auditions.</p> <p>16 So, yes.</p> <p>17 Q Okay. Looking at these documents, do you</p> <p>18 have any idea when you performed Quando me'n vo and I</p> <p>19 Want Magic, what month or date or year that might</p> <p>20 have been?</p> <p>21 A I believe that was for my re-audition in</p> <p>22 the fall of 2013.</p> <p>23 Q That would have been roughly October or</p> <p>24 November of 2013?</p>

<p style="text-align: right;">Page 50</p> <p>1 A Yes.</p> <p>2 Q And that would have been for the -- If you</p> <p>3 re-auditioned in November of 2013, that would have</p> <p>4 been for the 2014-15 season; is that right?</p> <p>5 A Correct.</p> <p>6 Q All right. I'm now going to hand you</p> <p>7 Exhibit 5.</p> <p>8 (Defendant Exhibit 5 marked as</p> <p>9 requested.)</p> <p>10 MS. CANTRELL: Q The first page of</p> <p>11 Exhibit 5 is dated November 18th, 2013. Do you see</p> <p>12 that?</p> <p>13 A Yes, I do.</p> <p>14 Q And this appears to be a critique of your</p> <p>15 November 9th, 2013 re-audition for the Core?</p> <p>16 A Uh-huh.</p> <p>17 Q You would agree with that?</p> <p>18 A Yes.</p> <p>19 Q And it states that your panel consisted of</p> <p>20 Maestro Michael Black, correct?</p> <p>21 A Yes.</p> <p>22 Q The songs listed are Quando me'n vo and I</p> <p>23 Want Magic?</p> <p>24 A Correct.</p>	<p style="text-align: right;">Page 52</p> <p>1 next -- there might have been somebody next to</p> <p>2 Michael in the room.</p> <p>3 MS. CANTRELL: Q Okay. I don't remember</p> <p>4 you saying that.</p> <p>5 Do you remember who else was next to</p> <p>6 Michael?</p> <p>7 A I don't remember. But there may have been</p> <p>8 somebody also writing comments sitting next to him,</p> <p>9 but I'm not sure.</p> <p>10 Q In the time that you worked for Lyric,</p> <p>11 while Michael Black was the Chorus Master, would that</p> <p>12 have been typical, for other people to sit in on your</p> <p>13 auditions?</p> <p>14 A To clarify, I've done a lot of auditions,</p> <p>15 and I do believe there were times when there were</p> <p>16 people sitting next to him at the table.</p> <p>17 Q So you can't state with any certainty at</p> <p>18 this point whether or not page 4 of Exhibit 4 are</p> <p>19 Michael's notes or anyone else's notes?</p> <p>20 A I believe they're Michael's notes.</p> <p>21 Q Please turn to page 2 of Exhibit 5.</p> <p>22 A Uh-huh.</p> <p>23 Q What is this letter?</p> <p>24 A Is this the one, November 27, 2013?</p>
<p style="text-align: right;">Page 51</p> <p>1 Q Would you agree that this is a comment</p> <p>2 letter following your audition from the November 9th,</p> <p>3 2013 re-audition that we just discussed in Exhibit 4?</p> <p>4 A I agree.</p> <p>5 And, furthermore, that are additional</p> <p>6 comments on this that did not make it on this page.</p> <p>7 Q Just to be clear, there are additional</p> <p>8 comments in Exhibit 4, page 4, that did not make it</p> <p>9 onto the first page of Exhibit 5? Is that what</p> <p>10 you're saying?</p> <p>11 A Yes.</p> <p>12 Q Okay.</p> <p>13 A A very easy listing voice and one that</p> <p>14 blends beautifully in the choral context.</p> <p>15 Q Now that you're reviewing Exhibit 5, and it</p> <p>16 states that your panel consisted of Maestro Black and</p> <p>17 you stated that he was the only person in the</p> <p>18 audition, other than the pianist and the AGMA</p> <p>19 representative, would it be fair to say that the</p> <p>20 comments on page 4, Exhibit 4, are Michael's?</p> <p>21 A I believe I said --</p> <p>22 MS. HALL-JACKSON: Answer the question,</p> <p>23 please.</p> <p>24 THE WITNESS: -- that there was somebody</p>	<p style="text-align: right;">Page 53</p> <p>1 Q Yes.</p> <p>2 A Uh-huh.</p> <p>3 Q What is this document?</p> <p>4 A This is notice of re-engagement for the</p> <p>5 2014-2015 season as a Core Supplementary member at</p> <p>6 Lyric Opera of Chicago.</p> <p>7 Q How old were you in November of 2013?</p> <p>8 A I believe I was 55.</p> <p>9 Q How old are you now?</p> <p>10 A I'm 51 now.</p> <p>11 Q Okay. So how old were you then?</p> <p>12 A I'm 51 now. So...</p> <p>13 Q Okay. So you wouldn't have been 55 in</p> <p>14 2013.</p> <p>15 A No.</p> <p>16 I'm sorry. Did I say that?</p> <p>17 Q Yes.</p> <p>18 A I'm sorry, I'm just not good with math.</p> <p>19 Q That's okay.</p> <p>20 A I believe I would have been 45.</p> <p>21 Q Okay. Thank you.</p> <p>22 Looking at page 1 of Exhibit 5, is</p> <p>23 there anything that you disagree with on these</p> <p>24 comments?</p>

<p style="text-align: right;">Page 54</p> <p>1 A No.</p> <p>2 Q Is there anything on this document related 3 to your age?</p> <p>4 A No.</p> <p>5 Q Do you recall receiving a copy of each of 6 these documents in November of 2013?</p> <p>7 A Yes.</p> <p>8 Q Okay. And, just to clarify, you were in 9 fact re-engaged as a member of the Core for the 10 2014-15 season; is that right?</p> <p>11 A Correct.</p> <p>12 Q At this point in time, for the fall of 13 2013, were you still a member of AGMA?</p> <p>14 A Yes.</p> <p>15 MS. CANTRELL: This is Exhibit No. 6. (Defendant Exhibit 6 marked as requested.)</p> <p>18 MS. CANTRELL: Q What is the date of this 19 document?</p> <p>20 A November 28th, 2014.</p> <p>21 Q And would you agree that this is a letter 22 of re-engagement for the 2015-16 season?</p> <p>23 A Correct.</p> <p>24 Q And if you were 45 in 2013, is it fair to</p>	<p style="text-align: right;">Page 55</p> <p>1 say you were 46 in 2014?</p> <p>2 A Correct.</p> <p>3 Q Who was the Chorus Master in 2014?</p> <p>4 A Michael Black.</p> <p>5 Q Do you recall whether anyone else -- Well, 6 strike that.</p> <p>7 Was Michael Black the decision-maker 8 in hiring you for the 2015-16 season?</p> <p>9 A Just to clarify -- Yes.</p> <p>10 But just to clarify, it was a two-year 11 contract. When I received my re-engagement letter 12 after the 2013 audition, I was offered, by the CBA, 13 it was a two-year contract. So this was more of a 14 courtesy gesture.</p> <p>15 Q Did you sign a two-year contract? Do you 16 recall signing a two-year contract?</p> <p>17 A You'll have to read the CBA on that, but it 18 was --</p> <p>19 MS. HALL-JACKSON: You have to just answer 20 the question.</p> <p>21 THE WITNESS: No.</p> <p>22 MS. CANTRELL: Q Do you recall signing a 23 two-year contract?</p> <p>24 A No, I do not.</p>	<p style="text-align: right;">Page 56</p> <p>1 Q I understand that auditions are only held 2 every two years for the Core Supp. Is that your 3 understanding as well?</p> <p>4 A Correct.</p> <p>5 Q So this letter in 2014, you didn't have to 6 audition prior to this letter. Is that your 7 testimony here today?</p> <p>8 A Correct.</p> <p>9 Q So there was no audition prior to your 10 re-engagement?</p> <p>11 A Correct.</p> <p>12 MS. CANTRELL: This is Exhibit 7. (Defendant Exhibit 7 marked as requested.)</p> <p>15 MS. CANTRELL: Q Would you agree that 16 this appears to be a job description for a Chorus 17 Master? After your review.</p> <p>18 A Thank you.</p> <p>19 I do. Correct, yes.</p> <p>20 Q In looking at this document, and based on 21 your experience working for Lyric, would you agree 22 that the Chorus Master is responsible for the 23 preparation and direction of the chorus?</p> <p>24 A That's one of the responsibilities.</p>
<p style="text-align: right;">Page 55</p> <p>1 say you were 46 in 2014?</p> <p>2 A Correct.</p> <p>3 Q Who was the Chorus Master in 2014?</p> <p>4 A Michael Black.</p> <p>5 Q Do you recall whether anyone else -- Well, 6 strike that.</p> <p>7 Was Michael Black the decision-maker 8 in hiring you for the 2015-16 season?</p> <p>9 A Just to clarify -- Yes.</p> <p>10 But just to clarify, it was a two-year 11 contract. When I received my re-engagement letter 12 after the 2013 audition, I was offered, by the CBA, 13 it was a two-year contract. So this was more of a 14 courtesy gesture.</p> <p>15 Q Did you sign a two-year contract? Do you 16 recall signing a two-year contract?</p> <p>17 A You'll have to read the CBA on that, but it 18 was --</p> <p>19 MS. HALL-JACKSON: You have to just answer 20 the question.</p> <p>21 THE WITNESS: No.</p> <p>22 MS. CANTRELL: Q Do you recall signing a 23 two-year contract?</p> <p>24 A No, I do not.</p>	<p style="text-align: right;">Page 57</p> <p>1 Q Is there anyone else that you can think of 2 who makes musical decisions or selects choristers for 3 the chorus at the Lyric Opera? Again, just based on 4 your experience.</p> <p>5 A I believe it's the Chorus Master's 6 responsibility solely.</p> <p>7 Q We talked earlier about how auditions for 8 returning members of the Core Supplementary Chorus 9 are typically held in the fall for the upcoming 10 season. Do you recall that?</p> <p>11 A Correct.</p> <p>12 Q Do you know at what point the performances 13 are set and scheduled for the upcoming season?</p> <p>14 A I don't know specifically, but I can answer 15 generally.</p> <p>16 Q Okay.</p> <p>17 A Sometimes they will know well in advance 18 about which operas are on the schedule, and sometimes 19 they will make decisions very late. And they usually 20 don't release that knowledge -- that information to 21 the general public until they have kind of a big 22 announcement date for that.</p> <p>23 So we don't always know, to answer 24 your question.</p>	

<p style="text-align: right;">Page 58</p> <p>1 Q Okay. So when you audition in the fall of 2 any particular year for the upcoming season, you may 3 or may not know the selection of operas for the 4 following season; is that correct?</p> <p>5 A Correct.</p> <p>6 Q Okay. Would you agree that part of the 7 selection of choristers depends on what the 8 performances require?</p> <p>9 A So, to be clear about how the chorus works, 10 there is 48 people in the Regular Chorus. And those 11 operas are decided -- So operas that need that number 12 of chorus, the Regular Chorus sings in.</p> <p>13 Usually, even if it's not public 14 knowledge, the Chorus Master will be aware of 15 probably the operas in the upcoming season. Through 16 meetings, I would assume.</p> <p>17 And so they would have some kind of 18 idea of -- I'm sorry, can you repeat the question, 19 please.</p> <p>20 Q Sure.</p> <p>21 And I'm going to ask you to clarify 22 what you just said.</p> <p>23 Do you know for a fact that the Chorus 24 Master has determined the performances by the fall</p>	<p style="text-align: right;">Page 60</p> <p>1 Q Sure.</p> <p>2 A Are you asking specific choristers, or are 3 you asking about chorus numbers, how many? Or are 4 you asking about specific choristers?</p> <p>5 Q Both, really.</p> <p>6 A Okay.</p> <p>7 Q I mean, if the performances -- The 8 selection of performances governs the number and the 9 particular choristers that are selected for the 10 following season. Would you agree with that 11 statement?</p> <p>12 A I want to break that into parts.</p> <p>13 Q Okay.</p> <p>14 A The first part is numbers, how many 15 choristers are in an opera.</p> <p>16 So if there's an opera that they need 17 beyond 48 for, they're going to engage the Core 18 Supplemental Chorus. In some cases, they need all 19 12. And in some cases, they might need just men or 20 just women or less than that number.</p> <p>21 Q Okay.</p> <p>22 A So that's the first part of your question.</p> <p>23 Q All right. So let me stop you for a 24 second.</p>
<p style="text-align: right;">Page 59</p> <p>1 auditions prior to the following season?</p> <p>2 A I believe the Chorus Master will be aware 3 of the operas that the opera company is going to do 4 in the upcoming season.</p> <p>5 Q He might have a general idea, correct?</p> <p>6 A Correct.</p> <p>7 Q Okay.</p> <p>8 A As well as, as listed in these duties, 9 assistance with development of seasonal budgets for 10 the chorus to ensure accurate reflection of rehearsal 11 and performance scheduling requirements and 12 cost-effective utilization of chorister hours.</p> <p>13 Q So when you audition in the fall of any 14 given season for the following season, you may be 15 auditioning for one opera, you may be auditioning for 16 eight. You don't not at that point; isn't that 17 right?</p> <p>18 A Correct.</p> <p>19 Q And my question previously was, would you 20 agree that the choristers selected depends on the 21 final selection of the performances for the following 22 season? Would you agree with that statement?</p> <p>23 A I'm going to ask you to clarify the 24 question.</p>	<p style="text-align: right;">Page 61</p> <p>1 So the ultimate selection of the 2 performances for a season may dictate how many 3 choristers are needed for those performances?</p> <p>4 A Correct.</p> <p>5 Q Okay. Then we talked about particular 6 choristers.</p> <p>7 Is that also true for particular 8 choristers, do the actual performances that are 9 scheduled dictate which particular choristers are 10 selected?</p> <p>11 A I don't know.</p> <p>12 Q Okay. So would it be fair to say, as you 13 started to allude to previously, that if a particular 14 performance needed more men, that only men from the 15 Core Supp might be selected to perform for those 16 operas?</p> <p>17 A Correct.</p> <p>18 Q And if a particular opera needed a lot of 19 women, the Chorus Master might select all members of 20 the Core Supp and members of the Supp to perform for 21 that opera?</p> <p>22 A Correct.</p> <p>23 Q Is that fair to say?</p> <p>24 A And seniority has been a factor.</p>

<p style="text-align: right;">Page 62</p> <p>1 So if they need just a few additional 2 people, they would go with those that have been there 3 longer.</p> <p>4 Q How do you know that?</p> <p>5 A I believe there was an example of that when 6 I was in the full-time chorus when they did The Magic 7 Flute. And I believe they only needed a few extra 8 women, they did not use the entire Core Supplemental 9 Chorus, and they went with seniority.</p> <p>10 And I remember that, because it was a 11 bit of an issue in the dressing room.</p> <p>12 Q So, just to be clear, are you stating that 13 the Chorus Master is required to make selections for 14 the operas based on seniority? Is that your 15 contention?</p> <p>16 A I'm not sure.</p> <p>17 Q Okay. You don't really know whether or not 18 he has to pick more senior members; is that right?</p> <p>19 A I'm not sure.</p> <p>20 Q Okay. Would you agree that the purpose of 21 the Core Supp is to supplement the Regular Chorus?</p> <p>22 A So I would like to clarify the word 23 supplement.</p> <p>24 Are we saying supplement voices and</p>	<p style="text-align: right;">Page 64</p> <p>1 Q Sure.</p> <p>2 Do you know whether or not the Chorus 3 Master has the ability to select particular voices, 4 to have those voices supplement the Regular Chorus, 5 under the CBA or otherwise?</p> <p>6 A Under the CBA, it does not list that. The 7 CBA does not list it.</p> <p>8 The CBA talks about supplementing in 9 terms of numbers explicitly. It does not talk about 10 supplementing in terms of deficiencies or something 11 that is lacking in the Regular Chorus. It makes it 12 very clear, it's just talking about supplementing 13 numbers.</p> <p>14 Q The CBA also doesn't prohibit, though, 15 correct?</p> <p>16 A I don't believe so.</p> <p>17 Q Okay. So if any Chorus Master, but Michael 18 Black in particular, needed more tenors in the 19 chorus, there's nothing that you know of that 20 restricts him from doing that; is that right?</p> <p>21 A Correct.</p> <p>22 And, additionally, there's nothing 23 that restricts him from taking actions with the 24 Regular Chorus, to improve those deficiencies, should</p>
<p style="text-align: right;">Page 63</p> <p>1 weaknesses in the chorus? Or are we saying 2 supplement the numbers that are dictated by the 3 amount of people an opera needs?</p> <p>4 Q Are you privy to that information?</p> <p>5 A Well, there's an important distinction.</p> <p>6 Q Well, not exactly.</p> <p>7 The CBA requires that if more voices 8 are needed, that after the Regular Chorus, the Chorus 9 Master then looks to the Core Supp, correct?</p> <p>10 A To supplement numbers.</p> <p>11 Q To supplement numbers, correct.</p> <p>12 A So we're talking about numbers right now.</p> <p>13 Q Right.</p> <p>14 But do you have any knowledge as to 15 whether or not the Chorus Master has discretion over 16 the types of voices that he needs for supplementing 17 the Regular Chorus? Do you have knowledge of that?</p> <p>18 A I'm sorry, I need the question clarified.</p> <p>19 When you say supplementing the Regular 20 Chorus, are you talking about bodies, physical 21 bodies, as dictated by numbers; or are you talking 22 about supplement in terms of voices?</p> <p>23 Q In terms of voices.</p> <p>24 A So can you state the question again?</p>	<p style="text-align: right;">Page 65</p> <p>1 he feel that there were some.</p> <p>2 Q Well, what do you mean by that?</p> <p>3 He can't simply hire more than 48 for 4 the Regular Chorus?</p> <p>5 A No. But there's also procedural things 6 that he can do, if he wanted to, over time to fix, if 7 he felt there were deficiencies in the Regular 8 Chorus.</p> <p>9 Q Right.</p> <p>10 So if he thought that there were 11 repeat deficiencies in the Regular Chorus, say, for 12 example, he didn't have enough lower bases, there are 13 procedures under the CBA to train, coach, put on 14 notice, and eventually release a member from the 15 Regular Chorus; is that correct?</p> <p>16 A I did not review the CBA for today, but I 17 believe so.</p> <p>18 Q Okay. Whereas, in the Core Supp and the 19 Supp, you have auditions every two years or every 20 year?</p> <p>21 A Correct.</p> <p>22 Q And so you only have a short-term 23 engagement with The Lyric as a member of the Core 24 Supp or the Supp. Is that fair to say?</p>

<p style="text-align: right;">Page 66</p> <p>1 A Correct. The Core Supp is a two-year engagement.</p> <p>3 Q Okay. So there's no guarantee after your two years that you'll be re-selected again following the two-year period; is that right?</p> <p>6 A There's no guarantee.</p> <p>7 But, again, we need to look at the CBA, which does say that a chorister's past practice, past experience, and certain other criteria should be taken into account.</p> <p>11 Q Sure.</p> <p>12 Your past experience with Lyric can be considered as part of your evaluation for the following season, correct?</p> <p>15 A Correct.</p> <p>16 I would also like to mention that when we do see our reviews, there are about six points that we are evaluated on. And so because there's six points, it's very clear that we take other matters, rather than just voice type, into account.</p> <p>21 Q Absolutely.</p> <p>22 So, for example, looking at Exhibit 5, the comments state a warm timbre and spinning vibrato.</p>	<p style="text-align: right;">Page 68</p> <p>1 MS. CANTRELL: Q What does that mean?</p> <p>2 A That is probably a note for improvement.</p> <p>3 Q Fluttering might mean that that's not --</p> <p>4 Again, for the laypeople here --</p> <p>5 A It's a note for improvement. Something that could be improved upon.</p> <p>7 Q Some cautious singing at the top, and upper notes took time to place. What does that mean?</p> <p>9 A That would be a note for improvement.</p> <p>10 Q Did you agree with those two comments, No. 5 and 6?</p> <p>12 A Our voices are different every day. So on that day, they were probably accurate.</p> <p>14 Q Okay. Is it typical for you to take these comments and do anything to make improvements, so that the next audition might be different?</p> <p>17 A Absolutely.</p> <p>18 In fact, I would like to speak to that for a moment.</p> <p>20 I took lessons with Stephen Smith, who is one of the five voice teachers that Lyric Opera recommended their regular choristers study with.</p> <p>23 Q Just to clarify, would that have been after this November 2013 audition; or at a different point</p>
<p style="text-align: right;">Page 67</p> <p>1 A Uh-huh.</p> <p>2 Q Do you see that?</p> <p>3 A Yes.</p> <p>4 Q Support was mostly connected to breath. That's another comment, correct?</p> <p>6 A Uh-huh.</p> <p>7 Q Good musicality.</p> <p>8 A Uh-huh.</p> <p>9 Q Do you see that language?</p> <p>10 A Correct.</p> <p>11 Q Would you agree that all of those things are proper evaluations for a voice when determining a position in the Core Supplemental Chorus?</p> <p>14 A They're among the qualities that one would look for, correct.</p> <p>16 Q How about Point No. 4, voice blends very well in the choral context, would that be a fair consideration?</p> <p>19 A Yes.</p> <p>20 Q Some fluttering below the passaggio?</p> <p>21 A Uh-huh.</p> <p>22 MS. HALL-JACKSON: You have to say yes or no.</p> <p>24 THE WITNESS: Yes.</p>	<p style="text-align: right;">Page 69</p> <p>1 in time?</p> <p>2 A Correct. After this, I believe.</p> <p>3 Q So you took these comments as having some areas for improvement. And then took action to try to make those improvements; is that right?</p> <p>6 A Absolutely.</p> <p>7 Q Okay. Jumping back to the conversation we were just having about the Core Supp and its position to supplement the Regular Chorus, whether in terms of vocal quality or in terms of numbers, would you agree with me if I said that part of the factor in selecting choristers is to address what the Regular Chorus might be lacking in terms of vocal quality or vocal strength? Is that a fair statement, yes or no?</p> <p>15 A It could be.</p> <p>16 Q Okay. So I know we talked a little bit about procedures that a Chorus Master could take to address deficiencies in the Regular Chorus. But because it takes a three-year period to make changes to the Regular Chorus, would one way to supplement any vocal deficiencies be by hiring someone with those strengths in the Core? Is that one way to address deficiencies in the Regular Chorus?</p> <p>24 Do you need me to give you an example?</p>

<p style="text-align: right;">Page 70</p> <p>1 A Uh-huh. 2 Q All right. So you have a Regular Chorus. 3 And you've got performances coming up that are strong 4 alto performances, require a lot of middle range type 5 notes in that opera. 6 A Uh-huh. 7 Q But you have a lot of high sopranos in the 8 Regular Chorus. Would one way to address those 9 deficiencies in the Regular Chorus be to hire more 10 altos in the Supplemental Chorus or the Core 11 Supplemental Chorus? 12 A I suppose so. 13 Q Okay. 14 All right. We'll get back to that in 15 a minute. 16 Would you agree that the Chorus Master 17 auditions all singers applying for the chorus 18 regardless of the level? 19 A I apologize. I just spaced out for a 20 second. 21 Q That's okay. 22 Would you agree that the Chorus Master 23 auditions all singers applying for positions in the 24 chorus, whether it's Regular, Supplemental, or Core?</p>	<p style="text-align: right;">Page 72</p> <p>1 A Yes. 2 Q And, again, Regular Chorus members do not 3 have to re-audition every season; is that right? 4 A Correct. 5 Q So just to sum up a little bit of what 6 we've just been discussing, you were hired as a 7 member of the Core Supplementary Chorus at the Lyric 8 Opera for the 2012, 2013, 2014, and 2015 seasons; is 9 that right? 10 A Correct. 11 Q Were you over the age of 40 for each one of 12 those seasons? 13 A Yes. 14 Q And for the last three 2013, 2014, and 15 2015, was Michael Black the Chorus Master? 16 A Yes. 17 Q For the 2012 season, was that the rotating 18 season; or was that Martin Wright's season? 19 A That was Martin Wright's season. 20 MS. HALL-JACKSON: To be clear, you said 21 2014? 22 MS. CANTRELL: 2012. 23 Q Okay. When we looked at Exhibit 5, this 24 was a critique from your November 9th, 2013</p>
<p style="text-align: right;">Page 71</p> <p>1 A Yes. 2 Q Does the Chorus Master have an opportunity, 3 as far as you know, to hear all choristers on an 4 annual basis? 5 A All choristers? 6 Q Yes. 7 A No. 8 Q Okay. Are you always allowed to have an 9 AGMA representative at an audition with you? 10 A Yes. 11 Q Does that AGMA representative give any type 12 of input to your performance during an evaluation? 13 A No, not to my knowledge. 14 Q You mentioned earlier that in your 15 auditions for Lyric, there might have been other 16 people sitting in on the audition in addition to the 17 Chorus Master. Do you know if any of those people 18 ever gave feedback to the Chorus Master? 19 A I don't know. 20 Q Okay. Regardless of whether or not any 21 particular Chorus Master got feedback from anyone 22 else in the audition, would you agree that it was the 23 Chorus Master's decision as to whether or not to 24 re-engage you for any particular season?</p>	<p style="text-align: right;">Page 73</p> <p>1 re-audition; is that right? 2 A Yes. 3 Q Under the AGMA contract, the next time you 4 were required to re-audition for a position in the 5 Core would have been in the fall of 2015; is that 6 correct? 7 A Correct. 8 Q I'm going to hand you Exhibit 8. 9 (Defendant Exhibit 8 marked as 10 requested.) 11 MS. CANTRELL: Q You auditioned for the 12 2016-17 season at The Lyric on October 9th, 2015; is 13 that correct? 14 A Yes. 15 Q And looking at this document, it appears 16 you sang two arias. One from La Wally, and one from 17 Susannah; is that right? 18 A Correct. 19 Q In reviewing the comments, the first 20 comment states: Medium-sized voice with warm timbre; 21 is that right? 22 A Correct. 23 Q What does that mean to a layperson? 24 A Medium-sized voice I think speaks for</p>

<p style="text-align: right;">Page 74</p> <p>1 itself. And warm is, in my opinion -- Well, I would 2 say, generally considered a favorable term.</p> <p>3 Q And I don't know if I'm just speaking for 4 myself or everyone else here, but I'm not sure 5 medium-sized voice speaks for itself.</p> <p>6 Does that mean projection, does that 7 mean loudness, does that mean strength? What does 8 that mean, when you say medium-sized?</p> <p>9 A All of those.</p> <p>10 Q Okay. Would a medium-sized voice need 11 improvement to become a large-sized voice, or is a 12 medium-sized voice something that would be 13 appropriate for a chorus?</p> <p>14 A Well, if you look at all the chorus 15 reviews, you'll see there's all sorts of voices in a 16 chorus. A chorus needs all kind of voices.</p> <p>17 Q Okay. So you didn't necessarily take 18 medium-sized voice as a critique. Would that be 19 fair?</p> <p>20 A As a criticism?</p> <p>21 Q Correct.</p> <p>22 A No, absolutely not.</p> <p>23 Q What about vibrato was spinning when voice 24 was connected to support, which was inconsistent. Is</p>	<p style="text-align: right;">Page 76</p> <p>1 part of my voice.</p> <p>2 So I wasn't picking repertoire to 3 highlight the middle or lower part of my voice.</p> <p>4 Q The last bullet point says: A musical 5 performance, with good dramatic presence.</p> <p>6 Would you consider that a compliment 7 or a critique?</p> <p>8 A A very favorable comment.</p> <p>9 And I will note that that was much 10 stronger than the audition that I had previously. So 11 I took great strides to present a stronger musical 12 and dramatic performance than my 2013 review.</p> <p>13 Q Okay. At this point, in October of 2015, 14 did you know the performances set for the 2016-17 15 season? Did you personally?</p> <p>16 A No, I did not.</p> <p>17 But I would like to add something at 18 this point, if that's appropriate.</p> <p>19 Q Why don't we come back to that in a minute. 20 I may hit on it.</p> <p>21 A Sure.</p> <p>22 Q During this audition in October of 2015, 23 was the Chorus Master still Michael Black?</p> <p>24 A Yes.</p>
<p style="text-align: right;">Page 75</p> <p>1 that a critique, or is that a favorable comment?</p> <p>2 A The first part of it is favorable. Which 3 was inconsistent means there's room for improvement. 4 But there's no way to know how much was considered 5 inconsistent. Was that 5 percent, 1 percent, 20 6 percent, 80 percent?</p> <p>7 Q Let's look at the third bullet point. Some 8 intonation issues involving flatness. This was most 9 notable in middle-to-lower-middle range, and is 10 problematic for choral compatibility.</p> <p>11 What does that mean to you?</p> <p>12 A That would indicate an area of improvement.</p> <p>13 Q No. 4. When voice was off breath, sound 14 quality did not have much core.</p> <p>15 Is that a critique or a favorable 16 comment?</p> <p>17 A That would mean an area of improvement. 18 However, it wasn't, again, clear if we're talking 19 about a few notes.</p> <p>20 I will say, at this point, that as a 21 Soprano I, the repertoire I chose specifically was 22 showing high notes, since that's what I was 23 consistently hired for, Soprano I. So usually the 24 repertoire with high notes shows that off, the best</p>	<p style="text-align: right;">Page 77</p> <p>1 Q And would you agree that as the Chorus 2 Master, he decides who to select for the choruses 3 based on the upcoming season?</p> <p>4 A Correct.</p> <p>5 Q Who else was present for your October 9th, 6 2015 audition?</p> <p>7 A The pianist; somebody, I believe, sitting 8 next to him at the table; and definitely an AGMA 9 representative. But I don't know who it was.</p> <p>10 Q Was Bob Prindle present at your 2015 11 audition?</p> <p>12 A If Bob Prindle was AGMA representative at 13 the time, he might have been. But I don't believe 14 so.</p> <p>15 Q Do you remember Bob Prindle being present 16 at your 2015 audition?</p> <p>17 A I do not.</p> <p>18 Q And Bob Prindle was not the Chorus Master, 19 correct?</p> <p>20 A Correct.</p> <p>21 Q Bob Prindle did not have a say in staffing 22 decisions for operas at The Lyric, correct?</p> <p>23 A Correct.</p> <p>24 Q Was Martin Poock present at your October</p>

<p>1 2015 audition?</p> <p>2 A No.</p> <p>3 Q And Martin is not the Chorus Master and is</p> <p>4 not in charge of staffing production, correct?</p> <p>5 A Correct.</p> <p>6 Q Was John Fascia present at your</p> <p>7 October 9th, 2015 audition?</p> <p>8 A No.</p> <p>9 Q Was John facia have any input?</p> <p>10 A And it's just for the record pronounced</p> <p>11 fascia.</p> <p>12 Q How about Diane Moses, was she present at</p> <p>13 your October 2015 audition?</p> <p>14 A No.</p> <p>15 Q And Diane is not in charge of staffing</p> <p>16 musical productions at the Lyric Opera; is that</p> <p>17 right?</p> <p>18 A No. They do have relationships to the</p> <p>19 Lyric Opera chapters, though.</p> <p>20 Q But she doesn't select choristers for any</p> <p>21 of the performances, correct?</p> <p>22 A Correct.</p> <p>23 Q Did you receive a copy of this critique on</p> <p>24 or about October 27th of 2015 --</p>	<p>Page 78</p> <p>1 A Correct.</p> <p>2 Q So your voice might have more spinning one</p> <p>3 day and not as much the next day. Would that be fair</p> <p>4 to say?</p> <p>5 A Correct.</p> <p>6 Q Your voice -- One of the comments here</p> <p>7 talks about intonation issues involving flatness.</p> <p>8 That might be coming off of, you know, a cold or</p> <p>9 weather changes or some other outside factor that</p> <p>10 could be affecting your voice; is that correct?</p> <p>11 A Correct.</p> <p>12 Q Is it your contention that there were other</p> <p>13 factors that influenced your performance during this</p> <p>14 October 9th re-audition?</p> <p>15 A There were no significant factors that</p> <p>16 influenced my performance other than just what you</p> <p>17 mentioned, the day.</p> <p>18 Q Okay. Based on this critique letter and</p> <p>19 some of the issues that we discussed in this</p> <p>20 evaluation, do you believe you should have been hired</p> <p>21 for the 2016-17 season at The Lyric?</p> <p>22 A I do.</p> <p>23 Q Why?</p> <p>24 A And I would like to speak to this.</p>
<p>1 A I did.</p> <p>2 Q -- marked as Exhibit 8?</p> <p>3 A Uh-huh.</p> <p>4 Q Can you tell me which of these comments are</p> <p>5 related to your age?</p> <p>6 A I'm sorry, can you please clarify the</p> <p>7 question?</p> <p>8 Q Do you see anything on this letter that's</p> <p>9 related to your age?</p> <p>10 A No, I do not.</p> <p>11 Q Do you agree with some of the negative</p> <p>12 comments or the criticisms that are listed on this</p> <p>13 critique letter?</p> <p>14 A Well, I'd need to put some things in</p> <p>15 context. So I would like to speak at this point.</p> <p>16 Q All right. But if you don't mind, just</p> <p>17 answer the question first.</p> <p>18 Do you agree with any of these</p> <p>19 critiques listed on this evaluation letter? Or did</p> <p>20 you at the time?</p> <p>21 A On that particular day, there may have been</p> <p>22 some issues that needed improvement.</p> <p>23 Q Okay. Each performance or each audition</p> <p>24 that you give might be slightly different, correct?</p>	<p>Page 79</p> <p>1 Q Okay. Go ahead.</p> <p>2 I asked you why. So you can go ahead</p> <p>3 and explain.</p> <p>4 A Okay. So if we go back to December 2014,</p> <p>5 they were holding auditions for Carousel, the</p> <p>6 musical. And not to get into a lot of explanation</p> <p>7 about that, but they have to offer, I believe, 12</p> <p>8 positions in the musical to Regular Chorus members.</p> <p>9 There were about four or five positions or six,</p> <p>10 perhaps, that were offered to non-Regular Chorus.</p> <p>11 And there were probably 50 to 100 people that</p> <p>12 auditioned for that spot. It was open.</p> <p>13 I was on the short list for that</p> <p>14 audition. And so that means that if somebody had</p> <p>15 dropped out, I probably would have been hired. And</p> <p>16 so that shows that I was considered to be a favorable</p> <p>17 singer with the company. Michael Black was among the</p> <p>18 people hearing that audition.</p> <p>19 In February of 2015, and the sign-up</p> <p>20 sheet might have been posted a little bit before</p> <p>21 that, Michael Black offered 45-minute individual</p> <p>22 coachings to each of the 12 Core Supplemental members</p> <p>23 at Lyric Opera. And, as we realize, this is in</p> <p>24 advance of the -- about 7 months before the 2015 fall</p>

<p>1 audition.</p> <p>2 There were 12 slots. And I remember</p> <p>3 that each of them were filled, which would indicate</p> <p>4 that each chorister in the Core Supp thought it was a</p> <p>5 good idea to accept this coaching with him, private</p> <p>6 coaching, and come in at our own time and expense.</p> <p>7 To show, again, a good faith effort that we wanted to</p> <p>8 improve upon anything that he felt was concerning.</p> <p>9 So I had a coaching with him on</p> <p>10 Valentine's Day, February 14th, 2015. And during</p> <p>11 that 45-minute coaching with him, I sang the La Wally</p> <p>12 and Ain't It A Pretty Night. The two same arias that</p> <p>13 I sang in 2015 for my audition. And I worked with</p> <p>14 him on those arias.</p> <p>15 So at no point in that coaching did he</p> <p>16 say, I'm noticing your lower voice being problematic,</p> <p>17 I am noticing a pitch issue, I'm noticing that I want</p> <p>18 more sound down there, I don't like your repertoire</p> <p>19 choices. At no point was there any indication that</p> <p>20 there was something that I needed to improve upon.</p> <p>21 And the only thing we really worked on were musical</p> <p>22 phrases. And my review does suggest a musical</p> <p>23 performance with good dramatic presence. So we did</p> <p>24 work on musical issues.</p>	<p>Page 82</p> <p>1 voice lessons throughout our entire career.</p> <p>2 Q Okay. But being selected on the short list</p> <p>3 for Carousel in 2014, does that have any bearing on</p> <p>4 your selection toward being a member of the Core in</p> <p>5 the 2016-17 season?</p> <p>6 A It doesn't. But what it does indicate is</p> <p>7 that Michael Black was feeling I was singing very</p> <p>8 well at that time.</p> <p>9 Q And when you sang for him in the spring or</p> <p>10 in February of 2015, did that performance have any</p> <p>11 bearing on your audition in October of 2015?</p> <p>12 A So it wasn't a performance. It was a</p> <p>13 coaching.</p> <p>14 Q Okay.</p> <p>15 A And so --</p> <p>16 Q But, again, I'm going to stop you a second.</p> <p>17 Did that coaching in February of 2015</p> <p>18 have any contractual bearing on your audition for</p> <p>19 October of 2015?</p> <p>20 So, for example, if auditions, under</p> <p>21 AGMA, are to be held in the fall of every season for</p> <p>22 the following season, does a Chorus Master look at</p> <p>23 prior auditions to make that decision for the</p> <p>24 following season, if you know?</p>
<p>1 Prior to that, in 2014, I had done a</p> <p>2 week-long seminar with Stephen Smith, a 7-day</p> <p>3 workshop with him, all day, which is one of the</p> <p>4 teachers at Northwestern, he's at Northwestern, that</p> <p>5 Lyric Opera approves their Regular Chorus to study</p> <p>6 with. In fact, they give the Regular Chorus one free</p> <p>7 lesson with one of five approved teachers every year,</p> <p>8 showing how valuable it is to keep your voices up.</p> <p>9 I did a week-long seminar with him.</p> <p>10 And, again, I did that week-long seminar in the</p> <p>11 summer of 2015. It was \$650, that I paid for out of</p> <p>12 my own expense, to show a good faith effort in</p> <p>13 keeping up my voice, working on those arias in</p> <p>14 particular, and I also had a steady stream of lessons</p> <p>15 and coachings through that to prepare for my</p> <p>16 audition.</p> <p>17 Q Okay. So I'm going to stop you there for a</p> <p>18 second.</p> <p>19 A Yeah.</p> <p>20 Q Is it fair to say, to sort of sum up what</p> <p>21 you've just described, that during 2014 and 2015, you</p> <p>22 continued to work on improving your voice?</p> <p>23 A That is correct. And we all do. It's a</p> <p>24 common practice with choristers. We're always taking</p>	<p>Page 83</p> <p>1 A There's nothing contractually, because that</p> <p>2 was the first time that had been ever offered by a</p> <p>3 Chorus Master. So there was no precedence on that.</p> <p>4 Q Okay. So it's your contention that because</p> <p>5 you were singing repeatedly for Michael, that even if</p> <p>6 you had a poor audition on October of 2015, he should</p> <p>7 have considered those other factors in making his</p> <p>8 decision. Is that what you're stating?</p> <p>9 A So I'm going to break this down into parts.</p> <p>10 Okay?</p> <p>11 So, first of all, I would have</p> <p>12 expected, if there was something of concern, that it</p> <p>13 would have been brought up on February 14th, knowing</p> <p>14 that I'm going to audition. Right? Knowing that I'm</p> <p>15 going to audition in the fall of 2015 and honoring a</p> <p>16 good employee, the CBA says you should always try to</p> <p>17 consider people that have been good employees. And I</p> <p>18 had been an excellent employee up to that point.</p> <p>19 So, first of all, nothing was</p> <p>20 mentioned that I needed to improve upon in that</p> <p>21 February 14th, 2015.</p> <p>22 Q Let me just interrupt you for a second.</p> <p>23 Is it possible that you had a good</p> <p>24 performance in February of 2015 and not as good of a</p>

<p style="text-align: right;">Page 86</p> <p>1 performance on October 9th of 2015?</p> <p>2 A I can't speak to that. But what I can 3 speak to --</p> <p>4 Q Well, you can speak to it, because you 5 didn't get any comments from February of 2015, 6 correct?</p> <p>7 A Okay.</p> <p>8 Q And you did get negative comments in 9 October of 2015.</p> <p>10 A Okay. So I will assume that I sang well.</p> <p>11 Q In February, right?</p> <p>12 A In February.</p> <p>13 Q You didn't get any negative comments from 14 Michael in February of 2015?</p> <p>15 A Correct.</p> <p>16 Q Okay. In October of 2015, you did receive 17 negative comments, correct?</p> <p>18 A I did receive negative comments, but I 19 would like to say a few things about that audition.</p> <p>20 Q Okay. Go ahead.</p> <p>21 A So I was waiting in that hallway before 22 that audition, as we all do, about 20 minutes before. 23 And I did hear, because you can hear through the 24 door, about three people who were singing before me.</p>	<p style="text-align: right;">Page 88</p> <p>1 And I left.</p> <p>2 So if there had been such a 3 deterioration in my voice from February 14th, 2015 to 4 October, why wasn't it addressed in the room? In any 5 audition setting?</p> <p>6 A person that came in to do a 7 voluntary coaching, that did exemplary work, all of a 8 sudden you're hearing something different. Why 9 wouldn't you ask them to stop and repeat a phrase if 10 you heard something that you didn't hear seven months 11 earlier?</p> <p>12 Q But you did have an opportunity to 13 re-audition in March of the following year, correct?</p> <p>14 A I did.</p> <p>15 Q Okay. So even if Michael may not have 16 stopped you during your audition in October of 2015, 17 he did give you an opportunity to re-audition for a 18 member for the 2016-17 season?</p> <p>19 A As a member of the Supplemental Chorus. 20 The Core Supplemental Chorus had already been closed 21 out.</p> <p>22 Q Okay. And, in fact, you were hired as a 23 member of the Supplementary Chorus for the 2016-17 24 season; is that correct?</p>
<p style="text-align: right;">Page 87</p> <p>1 A gentleman, and then two sopranos. And although 2 we're not actively listening to them, you can hear 3 people. The singers and the pianist are near the 4 door. And the people listening are at the far end of 5 the room.</p> <p>6 So the three people before me were all 7 asked -- And I can't say that they were asked, 8 because I didn't hear the question, but they stopped 9 multiple times and started multiple phrases at the 10 end, when they sang their two pieces.</p> <p>11 Q Do you know who those three people were?</p> <p>12 A There was a man, I believe it was a bass.</p> <p>13 And the two women were Suzanne Kszastowski, and I'm 14 not going to know how to spell that, and Kaileen 15 Miller.</p> <p>16 Q You were not physically in any of those 17 auditions, correct?</p> <p>18 A No. I heard through the door.</p> <p>19 Q And you're not the decision-maker for any 20 of those evaluations, correct?</p> <p>21 A Correct.</p> <p>22 Q Okay. So --</p> <p>23 A When I sang my audition, I was not asked to 24 repeat any phrases. I was told, thank you very much.</p>	<p style="text-align: right;">Page 89</p> <p>1 A Correct.</p> <p>2 Q The difference being, you did not sing in 3 as many operas as members of the Core, correct?</p> <p>4 A There are several differences.</p> <p>5 Q You didn't sing in as many operas; is that 6 correct?</p> <p>7 A Correct.</p> <p>8 Q Other differences may have been a lower 9 hourly rate and a lower paid performance rate, 10 correct?</p> <p>11 A Yes. Correct.</p> <p>12 Q So just to back up to what you were saying 13 previously, is it possible that you had a good 14 performance for Michael and a good coaching session 15 with Michael Black in February of 2015, and you had 16 a -- I won't say poor, but a lesser performance in 17 October -- on October 9th of 2015?</p> <p>18 A I don't believe I did.</p> <p>19 Q Okay. But, again, based on the comments 20 that you received from the person in charge of hiring 21 you, you didn't have negative comments in February, 22 but you did have negative comments in October, 23 correct?</p> <p>24 A Uh-huh.</p>

<p style="text-align: right;">Page 90</p> <p>1 Q You didn't believe those comments. Is that 2 what you're saying?</p> <p>3 A I don't believe those comments.</p> <p>4 Q Okay. So you disagree that you had 5 intonation issues involving flatness in October of 6 2015; is that right?</p> <p>7 A I may have had a few instances of that.</p> <p>8 Q It's possible October 9th just wasn't your 9 day. And if you had sang on October 10th, you may 10 have had a different performance?</p> <p>11 A It's possible.</p> <p>12 Q Okay. Is it common in vocal performances 13 that one day you hit it out of the park, and you 14 sound great. And the next day you might think, oh, 15 that wasn't my best performance?</p> <p>16 A I felt it was a strong performance.</p> <p>17 Q That wasn't my question.</p> <p>18 A It's possible, yes.</p> <p>19 Q Okay. So based on the comments from this 20 October 9th evaluation, specifically where there's a 21 comment that says the intonation issues in the 22 middle-to-lower-middle range is problematic for 23 choral compatibility, were you concerned that you may 24 not get re-engaged for the 2016-17 season?</p>	<p style="text-align: right;">Page 92</p> <p>1 that just appear to be a typo to you?</p> <p>2 A That does seem to be an issue of concern.</p> <p>3 Q Is it possible that it was just misdated?</p> <p>4 A It's a possibility.</p> <p>5 Q But, in fact, you were not re-engaged for 6 the 2016-17 season in the Core; is that correct?</p> <p>7 A Correct.</p> <p>8 Q Were you re-engaged in the Supplementary 9 Chorus?</p> <p>10 A Yes.</p> <p>11 Q For the 2016-17 season?</p> <p>12 A Uh-huh.</p> <p>13 Q Is it your contention that these comments 14 in Exhibit 8, the October 9th, 2015 audition, is it 15 your contention here today that these comments were 16 based on your age and seniority?</p> <p>17 A Yes.</p> <p>18 Furthermore, I would like to add that 19 if it says that my voice is problematic for choral 20 compatibility, why was I rehired at all.</p> <p>21 Q Well, in fact, you weren't rehired in the 22 Core, correct?</p> <p>23 A Yes, but it doesn't say that. It says 24 choral compatibility. That means your ability to be</p>
<p style="text-align: right;">Page 91</p> <p>1 A When I saw these comments?</p> <p>2 Q Yes.</p> <p>3 A Yes.</p> <p>4 Q Okay. What did you do about that?</p> <p>5 A I believe that at the time I received this, 6 I also received an e-mail that said we could talk to 7 Michael about our comments.</p> <p>8 Q And did you in fact talk to Michael about 9 your comments?</p> <p>10 A I did.</p> <p>11 Q And when was that?</p> <p>12 A Shortly thereafter. Maybe within a 13 three-week period of receiving this letter. I'm not 14 sure.</p> <p>15 Q Okay.</p> <p>16 MS. CANTRELL: I'm going to mark this 17 Exhibit 9.</p> <p>18 (Defendant Exhibit 9 marked as 19 requested.)</p> <p>20 MS. CANTRELL: Q If I said this was the 21 non-re-engagement letter following your 2015 audition 22 for the 2016-17 season, would you agree with that?</p> <p>23 A Yes.</p> <p>24 Q The letter is actually dated 2014. Does</p>	<p style="text-align: right;">Page 93</p> <p>1 in any kind of chorus is under question. And yet I 2 was hired to be back in the chorus.</p> <p>3 Q Right.</p> <p>4 And you sang again for Michael in 5 March of 2016, correct?</p> <p>6 A Uh-huh.</p> <p>7 Q And at that point he made the decision to 8 place in the Supplementary Chorus, correct?</p> <p>9 A Correct.</p> <p>10 Q Would you say that you thought your March 11 2016 audition was better than your October 2015 12 audition?</p> <p>13 A I would not say that. I believe they were 14 both strong auditions.</p> <p>15 Q Okay.</p> <p>16 All right. I'm going to move on to a 17 slightly different section. So this might be a good 18 time to take a break.</p> <p>19 (lunch break taken 11:23 a.m.)</p> <p>20 * * *</p> <p>21 (back on record 12:46 p.m.)</p> <p>22 MS. CANTRELL: Q Christine, I'll just 23 remind you that you are still under oath. And we'll 24 continue where we left off.</p>

<p style="text-align: right;">Page 94</p> <p>1 When we were last discussing this 2 case, we were talking about your non-re-engagement 3 for the 2016-17 season. And we took a look at the 4 comment letter from October 27th of 2015.</p> <p>5 You stated that you didn't see 6 anything in this letter that specifically related to 7 your age, and yet your contention in this case is 8 that you were discriminated against based on your 9 age.</p> <p>10 Can you explain that to me?</p> <p>11 A My thought on that is that there were other 12 people that experienced something similarly. And so 13 if we look at that across the board, that would 14 explain age discrimination.</p> <p>15 Q So do you have anything specifically that 16 you can point to, just with respect to yourself, that 17 indicates age discrimination from the Lyric Opera?</p> <p>18 A Just specifically to myself?</p> <p>19 Q Yes.</p> <p>20 A I was over the age of 40. And I would have 21 been, had I remained, at the highest tier of pay for 22 the Core Supplemental Chorus. So I would have been 23 more expensive to hire than someone new, with less 24 experience, that was younger.</p>	<p style="text-align: right;">Page 96</p> <p>1 A Correct.</p> <p>2 Q Can you explain, in your own words, the 3 various levels of seniority for a chorister at The 4 Lyric?</p> <p>5 A Yes.</p> <p>6 There's 1 year, there's 2 to 5 years, 7 there's 6 to 9 years, and then there's basically 9 8 years and over, 9 to 10 years, and then it all falls 9 into one category.</p> <p>10 So the Regular Chorus, the Core Supp, 11 and the Supplemental all have those four tiers.</p> <p>12 Q And how do you acquire seniority?</p> <p>13 A If you're in the Regular Chorus, I believe, 14 one year counts as one year. If you're in the Core 15 Supplemental Chorus, I believe it depends on how many 16 operas that you're in.</p> <p>17 So, if I remember correctly, if you're 18 over half of the operas, it counts as half of your 19 seniority. And if you're under half of the operas, 20 it counts as less than -- as less than that.</p> <p>21 Q Do you remember how much?</p> <p>22 A I think it might be a quarter year, but I'm 23 not sure.</p> <p>24 Q Okay. And all of this is dictated in the</p>
<p style="text-align: right;">Page 95</p> <p>1 Q Okay. I'm going to ask you to explain that 2 in a second. But weren't you also over the age of 40 3 in the 2012, 2013, 2014, and 2015 season?</p> <p>4 A Yes, that is correct.</p> <p>5 Q So is the only difference between the 2015 6 season and the 2016 season a difference in seniority?</p> <p>7 A So let's break that down into parts.</p> <p>8 So --</p> <p>9 Q Well, wait a second.</p> <p>10 First answer my question, and then 11 we'll delve a little deeper.</p> <p>12 A Correct, I was over the age of 40 during 13 all those auditions.</p> <p>14 Q Okay. So Michael Black hired you as a 15 chorister in the Core Supp Chorus when you were over 16 the age of 40?</p> <p>17 A Correct.</p> <p>18 Q However, between 2015 and 2016, you would 19 have been at a different level of seniority; is that 20 correct?</p> <p>21 A Correct.</p> <p>22 Q So let's talk a little bit about seniority. 23 That's governed by the AGMA contract, 24 right?</p>	<p style="text-align: right;">Page 97</p> <p>1 Collective Bargaining Agreement, correct?</p> <p>2 A Correct.</p> <p>3 Q Was there a difference -- Scratch that.</p> <p>4 Did you move from one category of 5 seniority to another -- or would you have moved from 6 one category of seniority to another category of 7 seniority for the 2016-17 season?</p> <p>8 A Yes.</p> <p>9 Q And which categories were those?</p> <p>10 A I was at 8-and-a-half years. I had 11 accumulated a lot of seniority, because I was full 12 time for 6 years.</p> <p>13 Q You were at 8-and-a-half years during what 14 period of time?</p> <p>15 A During my 2015 audition, re-audition.</p> <p>16 Q And I believe you stated the next level of 17 seniority up from there would have been 9 years; is 18 that correct?</p> <p>19 A Correct. The highest level, correct.</p> <p>20 Q And what would having obtained 9 years of 21 seniority have entitled you to?</p> <p>22 A It would have entitled me to about an 23 8-dollar-an-hour pay increase, roughly \$8. It would 24 have entitled me to a per-performance rate increase</p>

<p style="text-align: right;">Page 98</p> <p>1 of about -- I'm thinking \$30, around there. And 2 since unemployment and retirement benefits are 3 reflected in those fees, it would have added more to 4 those fees as well.</p> <p>5 Q So there's a monetary component when you 6 gain additional seniority under the Collective 7 Bargaining Agreement?</p> <p>8 A Correct.</p> <p>9 Q Okay. Is seniority based on age or on 10 years of service?</p> <p>11 A Years of service.</p> <p>12 Q So could you have someone who's under the 13 age of 40 who had gained the same amount of seniority 14 as you did, as someone over the age of 40?</p> <p>15 A Rarely.</p> <p>16 Q So if someone were hired when they were 25 17 in the Regular Chorus, for example, and worked nine 18 seasons, they would also be at the highest tier of 19 seniority; is that correct?</p> <p>20 A If we're talking about the Regular Chorus, 21 it counts one year per one year, exactly.</p> <p>22 Q Okay. Whereas, for the Core Supplemental 23 Chorus, you gain seniority by the number of 24 productions that you're in?</p>	<p style="text-align: right;">Page 100</p> <p>1 discrimination? 2 A No. 3 Q What other facts do you have to support 4 your claim of age discrimination? 5 A That there were other people that this 6 happened to.</p> <p>7 Q Okay. But relating specifically to you, is 8 it your contention that your seniority played a role 9 in the decision whether or not to engage you in the 10 2016-17 season?</p> <p>11 A Can you say that question again, please. 12 Q Sure.</p> <p>13 As it relates only to you, is it your 14 contention that your seniority played a role in 15 whether or not to re-engage you for the 2016-17 16 season?</p> <p>17 A Yes.</p> <p>18 Q Were there any other factors that you 19 believe contributed not to re-engage you for the 20 2016-17 season?</p> <p>21 And, again, we're just talking about 22 you. We're not talking about anyone else or what you 23 believe was happening with other people in The Lyric. 24 As it relates to you, were there other</p>
<p style="text-align: right;">Page 99</p> <p>1 A Correct.</p> <p>2 Q So it may take a little bit longer to gain 3 that same level of seniority. Is that a fair 4 statement?</p> <p>5 A Correct.</p> <p>6 Q Okay. For the record, I think I may have 7 been discussing performances and productions 8 interchangeably.</p> <p>9 A Easy to do.</p> <p>10 Q Okay. But when we're talking about the 11 number of operas during a given season, those are 12 productions, correct?</p> <p>13 A Correct.</p> <p>14 Q And then you're paid per performance. And 15 so one opera may have 10 performances?</p> <p>16 A Correct.</p> <p>17 Q Okay. Got it. Thank you.</p> <p>18 Is it your contention here today that 19 the Lyric Opera did not hire you for the 2016-17 20 season because you were going to obtain that next 21 level of seniority; and, therefore, be a more 22 expensive chorister?</p> <p>23 A Yes.</p> <p>24 Q Is that your only evidence of age</p>	<p style="text-align: right;">Page 101</p> <p>1 factors, other than seniority, that contributed to 2 not hiring you for the 2016-17 season in the Core 3 Supp?</p> <p>4 A Age discrimination with accompanying 5 seniority.</p> <p>6 Q Okay. So what other examples of age 7 discrimination do you have, other than the seniority 8 issue that we just talked about, assuming that that's 9 a valid age discrimination factor?</p> <p>10 A As relating to me, I can only point to 11 that.</p> <p>12 Q Right. Okay.</p> <p>13 So we're going --</p> <p>14 A I'm sorry, I don't mean to go around.</p> <p>15 Q That's okay. I'm just going to restate it, 16 just so that we're clear for the record.</p> <p>17 Your allegations in this complaint are 18 that your seniority is an example of age 19 discrimination. Is that your contention?</p> <p>20 A Yes.</p> <p>21 Q Okay. Aside from seniority, do you have 22 any evidence of age discrimination?</p> <p>23 A As it relates to me?</p> <p>24 Q Yes.</p>

<p style="text-align: right;">Page 102</p> <p>1 A No.</p> <p>2 Q Okay. Did Michael Black ever discuss your 3 age with you as it related to your vocal performance?</p> <p>4 A No.</p> <p>5 Q You stated earlier that you didn't see 6 anything in this comment letter marked as Exhibit 8 7 that specifically related to your age, correct?</p> <p>8 A Correct.</p> <p>9 Q Does a chorister's voice change as they 10 age?</p> <p>11 A It can.</p> <p>12 Q Do you believe that you have any signs of 13 aging in your voice?</p> <p>14 A No, I believe I do not have any signs of 15 aging in my voice.</p> <p>16 Q Is there anything -- Has anyone ever told 17 you that you have signs of aging in your voice?</p> <p>18 A Let me clarify that question.</p> <p>19 The voice does change as it gets 20 older.</p> <p>21 Q Okay.</p> <p>22 A But the change is not necessarily bad. 23 That's why many people at Lyric Opera of Chicago 24 doing leading roles are, for example, older.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q Okay. As far as your vocal quality, things 2 like pitch, intonation, wobbliness, vibrato, do those 3 things change, for good or for bad, as you age?</p> <p>4 A They can.</p> <p>5 Q Can your pitch or your range change as you 6 age?</p> <p>7 A They can.</p> <p>8 Q No one at Lyric ever said to you that you 9 have any age-related changes to your voice; isn't 10 that right?</p> <p>11 A That's correct.</p> <p>12 Q Okay. And you don't believe you have any 13 age-related changes to your voice, correct?</p> <p>14 A None that were negative.</p> <p>15 Q Okay. We discussed earlier that you met 16 with Maestro Black following your October 2015 17 audition, correct?</p> <p>18 A Correct.</p> <p>19 MS. CANTRELL: I'm going to mark this as 20 Exhibit 10.</p> <p>21 (Defendant Exhibit 10 marked as 22 requested.)</p> <p>23 MS. CANTRELL: Q Can you tell me what 24 this document is.</p>
<p style="text-align: right;">Page 103</p> <p>1 Q Sure.</p> <p>2 A So there are things that happen when a 3 voice gets older, but they're not necessarily bad 4 things.</p> <p>5 Q What kind of things happens as the voice 6 matures?</p> <p>7 A It can get warmer. It can go in all sorts 8 of different ways. That's a broad question.</p> <p>9 Q It is.</p> <p>10 But you've been a vocal performer --</p> <p>11 A Yes.</p> <p>12 Q -- since the mid 1990s. So for over 20 13 years. Right?</p> <p>14 A Uh-huh.</p> <p>15 Q Is there anything that you're aware of, as 16 far as changes in a voice, that happen as a result of 17 age?</p> <p>18 A Sometimes your repertoire choices will 19 change.</p> <p>20 Q Why? How so?</p> <p>21 A You'll sing a fuller repertoire or 22 repertoire that has bigger orchestration underneath 23 or repertoire that might be more sustained as opposed 24 to coloratura, C-O-L-O-R-A-T-U-R-A.</p>	<p style="text-align: right;">Page 105</p> <p>1 A It is a letter entitled Explanation of 2 Documents and Specifics Compiled by Christine Steyer 3 that I wrote and signed on June 8th, 2016.</p> <p>4 MS. CANTRELL: And I'm going to introduce 5 the next exhibit, which will be Defendant's Exhibit 6 No. 11.</p> <p>7 (Defendant Exhibit 11 marked as 8 requested.)</p> <p>9 MS. CANTRELL: Q I asked you earlier 10 whether or not you had an opportunity to talk to 11 Michael Black following your 2015 audition, and you 12 answered that you did. Isn't that correct?</p> <p>13 A Yes, I did.</p> <p>14 Q Okay. In looking at Exhibit No. 11, can 15 you tell me what this is?</p> <p>16 A This was an opportunity for us to speak 17 with Maestro Black about our auditions.</p> <p>18 Q And what is this actual document?</p> <p>19 A Oh, it is an October 28th -- A meeting sent 20 by Stephanie Karr to the Core Supplementary 21 Choristers.</p> <p>22 Q Okay. So it's an e-mail, correct?</p> <p>23 A Yes, correct.</p> <p>24 Q And it says undisclosed recipients, but</p>

27 (Pages 102 - 105)

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<p style="text-align: right;">Page 106</p> <p>1 then it's addressed Dear Core Supplementary 2 Choristers, correct? 3 A Correct. 4 Q Do you recall receiving a copy of this 5 e-mail? 6 A Yes. 7 Q And it's dated October 28th, 2015. So that 8 would have been after you received your comment 9 letter from October 27th, correct? 10 A Correct. 11 Q Was this the only notification you received 12 from The Lyric that you had an opportunity to discuss 13 your evaluation with Michael following your audition? 14 A I believe so. 15 Q Okay. And you did in fact take them up on 16 meeting with Maestro Black, correct? 17 A Of course. Yes. 18 Q All right. So now I'm going to go back to 19 Exhibit 10. 20 And if you'd turn to page 3, in the 21 first full paragraph it states: "In my December 2015 22 meeting with Maestro Black regarding my re-audition," 23 and it goes on further from there. Correct? 24 A Uh-huh.</p>	<p style="text-align: right;">Page 108</p> <p>1 laryngitis two weeks prior to your audition. 2 Do you see that? 3 A Uh-huh. 4 Q Do you recall having laryngitis prior to 5 your October 2015 audition? 6 A I believe that if I would have written it 7 in this document, then I did. 8 Q Okay. So I had asked you earlier whether 9 or not like a sickness or the weather or something 10 like that may have affected your voice, and I don't 11 think you recalled anything specific. 12 A Correct. 13 Q In looking at this, does that help refresh 14 your recollection that you may have had factors that 15 were influencing your voice during the 2015 audition, 16 or do you feel like you had fully recovered by that 17 point? 18 A I felt like I fully recovered at that 19 point. 20 Q Okay. It also states here that he informed 21 you during this December 2015 meeting that you could 22 sing for him again in the general auditions in March 23 of 2016. 24 Do you see that language?</p>
<p style="text-align: right;">Page 107</p> <p>1 Q Based on this letter -- Well, you said this 2 was supplemental notes from Christine Steyer. 3 So, to be correct, you prepared this 4 document, correct? 5 A Correct. 6 Q Okay. So based on this document that you 7 prepared and a note at the top of page 3 that you met 8 with Michael Black in December of 2015, is it fair to 9 say that you had that follow-up meeting in December 10 of 2015 with Maestro Black? 11 A Correct. Yes. 12 Q Okay. You can take a look at this document 13 a little further, if you need to. 14 A Uh-huh. 15 Q But what did you discuss during this 16 December 2015 meeting with Michael? 17 A Michael told me he was not planning to 18 rehire me in the Core Supplemental Chorus, and I 19 was -- I kind of had the wind knocked out of me, 20 frankly. I was shocked. For a number of reasons, 21 which I already discussed in this deposition. And so 22 I was very emotional at that point. 23 Q It states here you mentioned to Michael 24 during the December 2015 meeting that you had</p>	<p style="text-align: right;">Page 109</p> <p>1 A Uh-huh. 2 Q It also states: "From our discussion, it 3 was my impression that if I were to sing well at 4 those auditions, I could regain my contract as a Core 5 Supplemental Chorister." 6 Do you see that language also? 7 A Yes. 8 Q So earlier you stated by the time the March 9 2016 auditions came around, the Core were already 10 selected and re-engaged. 11 So explain to me how you believed you 12 could still have been employed in the Core during 13 this December conversation, December 2015 14 conversation? 15 A Okay. 16 First of all, I'd like to add that I 17 did not review this document before coming in today. 18 Q Okay. 19 A And that this is confusing history, with 20 all the years and the dates, for my mind to hold on 21 to. 22 Q Understood. 23 But, again, you prepared these 24 document, correct?</p>

<p style="text-align: right;">Page 110</p> <p>1 A No, I understand.</p> <p>2 Q Okay. So feel free to take some time to 3 look at it.</p> <p>4 A So I would probably have to take a closer 5 look, more in depth, and find out exactly when that 6 Core Supplemental position was hired.</p> <p>7 I'm not sure if I was able to 8 re-audition for that Core Supplemental position in 9 the spring, or if somebody that sang for Michael in 10 the fall had been bumped up at that point.</p> <p>11 So I'm not trying to be evasive. I 12 just simply don't remember exactly at that point.</p> <p>13 I'm trusting what I wrote. But, 14 again, it's very complicated. And there is the 15 possibility of me making an unintentional mistake on 16 how that all worked.</p> <p>17 Q That's fine.</p> <p>18 So it's possible that there may have 19 still been openings in the Core. You just can't 20 state with certainty one way or another; is that 21 right?</p> <p>22 A We could probably find out. But at this 23 point, I can't speak for certain about that.</p> <p>24 Q Okay. It also says, "Under advice of</p>	<p style="text-align: right;">Page 112</p> <p>1 "Note: On February 14, 2015, I had a 45-minute 2 private coaching with Maestro Black."</p> <p>3 Do you see that language?</p> <p>4 A Uh-huh.</p> <p>5 Q Based on this note that you wrote and 6 prepared, is it fair to say that you did in fact have 7 a coaching session on February 14th of 2015?</p> <p>8 A Correct.</p> <p>9 Q Do you remember receiving any written 10 comments from Michael Black following your 11 February 14th, 2015 coaching session?</p> <p>12 A No.</p> <p>13 Q Do you have any -- Did you have any 14 coaching sessions with Michael between your meeting 15 with him in December of 2015 and your re-audition in 16 March of 2015 (sic)? I'm sorry, March of 2016.</p> <p>17 A No, I did not.</p> <p>18 Q Okay. Did you do anything to prepare for 19 that re-audition in March of 2016?</p> <p>20 A Absolutely.</p> <p>21 Q What did you do?</p> <p>22 A I took voice lessons. And I also worked 23 with, I believe, Jared Mosby.</p> <p>24 Q Who's that?</p>
<p style="text-align: right;">Page 111</p> <p>1 counsel, I decided to sing in the general auditions."</p> <p>2 Who was that counsel that you relied 3 upon?</p> <p>4 A I believe it was Heidi Spoor, the AGMA 5 representative.</p> <p>6 Q Is she an attorney?</p> <p>7 A No, AGMA representative. She's in the 8 chorus.</p> <p>9 Q Okay. So this is another --</p> <p>10 A Oh, counsel. I'm sorry.</p> <p>11 Q Do you remember speaking to an attorney 12 during December of 2015?</p> <p>13 A We spoke to our AGMA representative, John 14 Ward. He's an attorney, a lawyer.</p> <p>15 Q Did Michael agree that you could 16 re-audition in March of 2016?</p> <p>17 A Yes.</p> <p>18 Q And you did in fact re-audition in March of 19 2016?</p> <p>20 A Yes.</p> <p>21 Q Please turn to the front page of Exhibit 22 10.</p> <p>23 About two-thirds of the way down, 24 under documentation, there's a paragraph that says:</p>	<p style="text-align: right;">Page 113</p> <p>1 A He was the accompanist for that audition.</p> <p>2 Q Is he an employee of The Lyric?</p> <p>3 A Yes.</p> <p>4 Q Anything else that you can think of?</p> <p>5 A Other than voice lessons and coaching, no.</p> <p>6 Q Okay. So who did -- And you just mentioned 7 working with an accompanist and having voice lessons?</p> <p>8 A Uh-huh.</p> <p>9 Q So is that the extent of the work that you 10 did between December of 2015 and March of 2016?</p> <p>11 A Yes.</p> <p>12 But there would have been numerous of 13 those, not just one.</p> <p>14 Q Okay. Do you recall about how many?</p> <p>15 A I do not.</p> <p>16 Q Okay. Would you mind turning back to 17 Exhibit 8 briefly.</p> <p>18 We discussed previously that Bullet 19 Point 4 and Bullet Point 5 were more critiques than 20 they were compliments, correct?</p> <p>21 A Sorry, Exhibit 8?</p> <p>22 Q Yes.</p> <p>23 A The 2015 review?</p> <p>24 Q Yes.</p>

<p style="text-align: right;">Page 114</p> <p>1 A Actually, Point 5 is very complementary. 2 Q I'm sorry, No. 3 and 4 on Exhibit No. 8, 3 which is the October 27th, 2015 letter. 4 A Correct. 5 Q There are five bullet points. And I'm 6 asking about Bullet Points No. 3 and No. 4. 7 A Okay. 8 Q Would you agree that both of those bullet 9 points have comments that are critical? 10 A They show methods for improvement. They 11 show -- Sorry, they're comments to show areas of 12 improvement. 13 Q Okay. 14 A Correct. 15 Q Are issues involving flatness in the 16 lower -- in the middle-to-lower-middle range 17 something that you specifically worked on in your 18 vocal coaching sessions and your music lessons 19 between December of 2015 and March of 2016? 20 A There was no mention in my lessons of 21 flatness. So I would have been working on the whole 22 voice, to be a better singer. But there was no -- 23 Q I have to ask, though, like is that a yes 24 or no?</p>	<p style="text-align: right;">Page 116</p> <p>1 Did you ever discuss this particular 2 letter with a vocal coach following your audition? 3 A Possibly. 4 Q Do you recall, sitting here today, having 5 discussed this? 6 A I do not recall. 7 Q When you re-auditioned in March of 2016, 8 did you receive written comments from that 9 re-audition? 10 A I don't believe I received them at the 11 time. I might have received them in production, but 12 at the time I don't believe I did. 13 Q Did you have any conversations with Michael 14 about your March 2016 re-audition? 15 A No. 16 Q Is it correct that auditions to the public 17 are also held in March of every season? 18 A General auditions? 19 Q General auditions, correct. 20 A Yes. 21 Q What is your understanding of why you were 22 allowed to re-audit in March of 2016? 23 A It had been made known to Lyric that Martin 24 and I had a meeting with John Ward and members of</p>
<p style="text-align: right;">Page 115</p> <p>1 Is this something that you worked on 2 in your coaching sessions between December of 2015 3 and March of 2016? 4 A I worked on my whole voice. 5 So I would have worked on the middle 6 voice, the lower voice, the upper voice. Every part 7 of the voice. 8 MS. HALL-JACKSON: Yes or no. 9 THE WITNESS: So are you saying was I 10 working on flatness, or was I working on developing 11 the middle-to-lower range? 12 Can you separate out the question? 13 MS. CANTRELL: Q Sure. 14 Were you working on flatness? 15 A No one brought to my attention that I had 16 flatness. So no. 17 Q Okay. But Michael had mentioned it in 18 October of 2015? 19 A Right. 20 Q At any point did you take this comment 21 letter and show it to your vocal coach and say, look, 22 how do I improve on these two areas? These are areas 23 of concern for the person who's supposed to hire me. 24 How do I work on this?</p>	<p style="text-align: right;">Page 117</p> <p>1 AGMA at the end of December 2015, Martin Poock and I. 2 And that there was some concern about age 3 discrimination, because of what had happened to both 4 Martin Poock and I, P-O-O-C-H, the other -- 5 Q P-O-O-C-K. 6 A P-O-O-C-K. Sorry. Thank you. 7 And so I believe that there had been 8 some information that reached Lyric about some 9 concerns of age discrimination, either at the end of 10 December 2015 or the first few weeks of January 2016. 11 Q In the exhibit we were just reviewing, 12 which is Exhibit 10, on page 3 you stated that in my 13 December 2015 meeting, Michael had told you you could 14 sing for him again in the general auditions of March 15 of 2016? 16 A Uh-huh. 17 Q So are you saying that you had made 18 complaints about age discrimination before that 19 December 2015 meeting? 20 A I am saying that -- Before the December '15 21 meeting? 22 Q Yes. 23 A No. 24 Q So when he offered you an opportunity to</p>

<p style="text-align: right;">Page 118</p> <p>1 sing for him again in March, no age discrimination 2 complaints had been made by that point, correct? 3 A I hadn't been notified until that meeting 4 with him that I was no longer re-engaged. So 5 correct. 6 Q That wasn't my question. So I'll start 7 again. 8 When Michael offered you the 9 opportunity in December of 2015 to re-sing for him in 10 March, no age discrimination complaints had been 11 filed by you yet, correct? 12 A Correct. 13 Q Okay. And when you say that there were 14 concerns at The Lyric that, you know, the union had 15 been made aware that you had been reporting age 16 discrimination, do you recall when that was that you 17 then filed your allegation of age discrimination? 18 A I believe it was in June of 2016, formally. 19 Q Who did you first notify about your claims 20 of alleged age discrimination? 21 A I believe Martin and I wrote a few pages 22 that we prepared, and that we submitted this letter 23 to several people at Lyric in June of 2016. But I'm 24 not completely sure that that's the right date.</p>	<p style="text-align: right;">Page 120</p> <p>1 gifted me. I was allowed to re-audition in March 2 anyway. 3 Q Under the AGMA contract? 4 A Yes. 5 Q Okay. So why do you think he mentioned it 6 to you during this December 2015 meeting? 7 A Because I was completely broken down in his 8 office. I had just gotten non-re-engaged. I just 9 lost my job. 10 So it makes sense that a person will 11 try to do anything to make you feel better at the 12 moment. 13 Q By the time you sang for Michael again in 14 March of 2016, do you know whether or not the regular 15 auditions had been completed? 16 A What do you mean by regular auditions, 17 please. 18 Q For the Regular Chorus, the general 19 auditions for the Regular Chorus. Do you know if 20 those had been completed by the time you sang for 21 Michael in March of 2016? 22 A I'm not sure. I don't know if that was all 23 at the same time or if they were separate. 24 I believe it was during the general</p>
<p style="text-align: right;">Page 119</p> <p>1 Q Okay. So I had asked you, in your own 2 words, why you think you were given the opportunity 3 to re-sing in March of 2016. And your answer was, 4 because you had notified people about age 5 discrimination. 6 But, in fact, you hadn't notified them 7 by that point. Correct? 8 A So, just to clarify my point, I did have a 9 meeting with some AGMA representatives and Martin 10 Poock and John Ward in either -- after my meeting 11 with Michael or in the beginning of January. And 12 there was some concern by AGMA, and I do believe that 13 there was something that was transmitted from AGMA to 14 Lyric, saying that they were concerned about this. 15 Q But by that point, Michael had already told 16 you that you could re-sing for him in March, correct? 17 A Correct. 18 Q Okay. So Michael offering you the 19 opportunity in December to re-sing for him in March 20 didn't have anything to do with any complaints that 21 you had made, correct? 22 A Yes. 23 But, to clarify, I was allowed to 24 re-audition in March. It wasn't something Michael</p>	<p style="text-align: right;">Page 121</p> <p>1 auditions. The general meaning, open to any 2 position. 3 Q Is it fair to say that by March of 2016, 4 the Regular Chorus had already had all of their 5 auditions? 6 A I don't know. 7 Q Do you know at what point during the spring 8 of 2016 Maestro Black had an opportunity to hear the 9 full Regular Chorus all together? 10 A I'm not sure if that was an audition year. 11 But if it was, then he would have heard them in, I 12 believe the fall. 13 Q When you were a regular chorister for The 14 Lyric during your first employment there, what was 15 your experience in singing as a whole Regular Chorus 16 when did that occur. 17 A Are you talking about the auditions or in 18 the chorus? 19 Q In the chorus. 20 A Can you please restate the question. 21 Q When you were employed as a regular 22 chorister at The Lyric between 2000 and 2006 roughly 23 when was the first time the Regular Chorus sang 24 together as a group?</p>

<p style="text-align: right;">Page 122</p> <p>1 A During the room rehearsal. 2 Q When would that be? 3 A That would be the beginning of August, the 4 first day that we would start work at the new season. 5 Q Of the season? 6 A Correct. 7 Q At that point, were the productions for the 8 year already set? 9 A Yes. 10 Q When you sang for Michael in March of 2016, 11 was anyone else present in the audition with you? 12 A Yes. 13 Q Who was that? 14 A I believe Jared Mosby was the pianist. I 15 don't know the spelling, but it's in here. Maestro 16 Black was there. I believe there was somebody 17 sitting next to him at the table. And an AGMA 18 representative, and I don't know who. 19 Q Was it typical during 2014 to 2016 that 20 Stephanie Karr would sit in on these auditions? 21 A I believe so, yes. 22 Q Could that have been the person who was 23 attending the audition? 24 A Absolutely.</p>	<p style="text-align: right;">Page 124</p> <p>1 A I don't recall that at this time. 2 Q If I were to show you an e-mail, would that 3 help refresh your recollection? 4 A Sure. 5 Q Which of course I didn't bring with me. So 6 we'll come back to that. 7 Do you recall what performances -- no, 8 what productions were scheduled for the 2016-17 9 season? 10 A I do not off the top of my head. 11 Q Do you recall how many productions there 12 were scheduled for the 2016-17 schedule? 13 A I believe there would have been eight, 14 probably plus some concerts and maybe a musical. 15 Q And during the years you were engaged as a 16 Core Supplementary Chorister between 2012 and 2016, 17 how many productions would you sing in on any given 18 season, on average? Or, if you know, I'll take 19 specifics. 20 A I believe when I was in the Core 21 Supplementary Chorus for those years, we were in two 22 to three a year. 23 And had I remained in the Core 24 Supplementary Chorus for the 2016-17 season, I would</p>
<p style="text-align: right;">Page 123</p> <p>1 Q Do you know what her role was at these 2 auditions in 2014, 2015, and 2016? 3 A I do not. 4 Q Do you know what her position is with The 5 Lyric currently? 6 A I think she received a change of job 7 description in the last couple years, but at the time 8 she was taking care of the chorus contracts. 9 Music administrator, I think. 10 Q Was Martin Poock present at any of your 11 auditions in 2015 or 2016? 12 A No. 13 Q Was Bob Prindle present at either the 14 October 2015 audition or the March 2016 audition? 15 A No. 16 Q After your March 2016 audition, you were 17 not selected for the Core Supp Chorus, but you were 18 selected for the Supplementary Chorus; is that 19 correct? 20 A Yes. 21 Q Do you recall Michael Black telling you at 22 that time that he needed a soprano with a stronger 23 middle voice. And by then he had heard the full 24 chorus, and made that determination?</p>	<p style="text-align: right;">Page 125</p> <p>1 have been in five. 2 Q How do you know that? 3 A Because there were five operas that used 4 Core Supplementary Chorus. And you can see the 5 rosters on that that were posted. 6 Q And how many did you in fact sing in for 7 the 2016-17 season? 8 A I sang in one. One instead of five. 9 Q And what production was that? 10 A Les Troyens. L-E-S capital T-R-O-Y-E-N-S. 11 MS. CANTRELL: This is Defendant's Exhibit 12 No. 12. 13 (Defendant Exhibit 12 marked as 14 requested.) 15 MS. CANTRELL: Q This is a roster of the 16 Core Supplementary and Supplementary Chorus members 17 for the 2016-17 season. Would you agree? 18 A Correct. 19 Q And, on the bottom, there's a note that 20 states: "Core Supplementary Choristers are printed 21 in Bold Type." 22 Do you see that language? 23 A Yes. 24 Q Would you agree that Jill Dewsnap and</p>

<p style="text-align: right;">Page 126</p> <p>1 Kaileen Miller, both Soprano I's, were members of the 2 Core Supplementary Chorister in 2016-2017?</p> <p>3 A Yes.</p> <p>4 Q How many operas or productions did Jill 5 Dewsnap sing in in the 2016-17 season?</p> <p>6 A I don't know.</p> <p>7 Oh, just one moment. Three.</p> <p>8 Q And how many did Kaileen Miller sing in?</p> <p>9 A Five.</p> <p>10 Q And your name is on there as well, correct?</p> <p>11 A Correct.</p> <p>12 Q Not in bold, but listed as a Soprano I?</p> <p>13 A Correct.</p> <p>14 Q And which opera did you sing in?</p> <p>15 A Les Troyens.</p> <p>16 Q So I had asked you earlier, or perhaps you 17 just stated, that if you had been engaged as a Core 18 Supplementary Chorister for the 2016-17 season, you 19 would have sung in five productions, correct?</p> <p>20 A Correct.</p> <p>21 Q But Jill Dewsnap was engaged as a Core 22 Supplementary Chorister, and she only sang in three. 23 Correct?</p> <p>24 A Correct.</p>	<p style="text-align: right;">Page 128</p> <p>1 And so that's all I can speak to that.</p> <p>2 Q Okay. You also had more seniority than 3 Jill or Kaileen, correct?</p> <p>4 A Correct.</p> <p>5 Q So you're not stating that the Chorus 6 Master has to pick someone from the Supplementary 7 Chorus and move them to the Core based on seniority?</p> <p>8 That's not what you're saying today, right?</p> <p>9 A No, no.</p> <p>10 Q Okay. What you're saying is, if the Chorus 11 Master already knows he's going to need a certain 12 number of Core members, he might give more offers to 13 one Core member than another?</p> <p>14 A Yes.</p> <p>15 Q That's correct?</p> <p>16 A That's correct.</p> <p>17 And according to, again, the CBA, 18 which valued experience as being part of your value 19 as a chorister, that's where the issue of people that 20 are longer in the chorus would usually be the ones 21 that would be selected.</p> <p>22 Q Okay. But just because you had more 23 seniority doesn't mean that you should have been 24 selected over Jill or Kaileen to be in the Core,</p>
<p style="text-align: right;">Page 127</p> <p>1 Q So isn't it true that perhaps you would 2 have sung in five, but perhaps you would have only 3 sung in three?</p> <p>4 A Well, this goes back to the question of 5 seniority, and the example that I gave earlier. That 6 there has been a past practice at Lyric that when 7 they don't use all the Core Supp, that they go with 8 seniority.</p> <p>9 Q Okay. So I'd like to understand your 10 comments about seniority a little bit more.</p> <p>11 Is it your belief or contention today 12 that Jill Dewsnap had less seniority than Kaileen 13 Miller?</p> <p>14 A She did. It's a fact.</p> <p>15 Q Okay. So when you state that it's past 16 practice for the Chorus Master to look at seniority, 17 how did that affect the number of productions that 18 Kaileen Miller sang in versus Jill Dewsnap?</p> <p>19 A Kaileen Miller was in the Core Supplemental 20 Chorus longer. And there was an example going back 21 to -- and you can do research on this -- when I was 22 full-time chorister of The Magic Flute, where they 23 took choristers that had been there longer, when they 24 didn't use the entire Core Supp for production.</p>	<p style="text-align: right;">Page 129</p> <p>1 correct? Just based on your seniority alone.</p> <p>2 A Correct.</p> <p>3 Q Okay. So there were other factors, other 4 than seniority, that placed Jill and Kaileen in the 5 Core in the 2016-17 season; is that right?</p> <p>6 A Correct.</p> <p>7 Q Okay. Do you know what those are? Are 8 those the things that we discussed earlier today?</p> <p>9 A They were younger, cheaper. Younger and 10 cheaper.</p> <p>11 Q Okay. So is it your belief that saving 12 money was a factor in the decision not to re-engage 13 you for the 2016-17 season?</p> <p>14 A Absolutely.</p> <p>15 Q Okay. Have you ever sat in on any of the 16 auditions for Kaileen Miller or Jill Dewsnap?</p> <p>17 A No.</p> <p>18 Q Do you know whether or not they had a 19 stronger middle voice than you had?</p> <p>20 A No.</p> <p>21 Q Jumping back to Exhibit 10, please.</p> <p>22 On page 2 -- I'm sorry, I guess it 23 really starts at the bottom of page 1. You say: 24 "Comments from someone who heard my re-audition. A</p>

<p style="text-align: right;">Page 130</p> <p>1 concern sent to me by a fellow chorister who was 2 outside the room during my re-audition in October 3 2015. This chorister's e-mail, completely 4 unsolicited on my behalf, states."</p> <p>5 And on the following page, it looks 6 like an excerpt of some other document; is that 7 right?</p> <p>8 A Yes, this is the excerpt.</p> <p>9 Q The top of page 2 is the excerpt referred 10 to at the bottom of page 1?</p> <p>11 A Yes, yes.</p> <p>12 Q Who is this excerpt from?</p> <p>13 A Corinne Wallace.</p> <p>14 Q And was Corinne actually in your 15 re-audition in October of 2015?</p> <p>16 A She was outside the room waiting to 17 audition.</p> <p>18 Q Okay. Did she -- Would you agree that 19 Corinne Wallace was not the decision-maker for the 20 2016-17 season --</p> <p>21 A Yes.</p> <p>22 Q -- in terms of who to employ?</p> <p>23 A Yes.</p> <p>24 Q Would you agree that this excerpt we just</p>	<p style="text-align: right;">Page 132</p> <p>1 A Yes.</p> <p>2 Q And you were hired for other work at both 3 The Lyric and elsewhere, correct, in 2016?</p> <p>4 A Yes.</p> <p>5 Q Do you recall how many performances of Les 6 Troyens there were?</p> <p>7 A Five.</p> <p>8 Q At any point did Michael Black tell you 9 that you would only be singing in Les Troyens; or did 10 he indicate to you that you may, depending on what 11 the production schedule looked like, be hired for 12 other productions during that 2016-17 season?</p> <p>13 A I never spoke with him privately about 14 anything.</p> <p>15 Q How did you find out that you would be 16 singing for Les Troyens?</p> <p>17 A I was offered a contract shortly after my 18 audition in March of 2016.</p> <p>19 Q And are contracts for the Supplementary 20 Choristers only issued per production, or are they 21 issued per season?</p> <p>22 A They would be offered for how many you were 23 offered for.</p> <p>24 So sometimes Supplementary Choristers</p>
<p style="text-align: right;">Page 131</p> <p>1 read was her opinion?</p> <p>2 A Yes.</p> <p>3 Q Do you know if Corinne Wallace has ever 4 been a Chorus Master?</p> <p>5 A She has not. I don't believe so.</p> <p>6 Q Do you know whether or not Corinne Wallace 7 heard the entire Regular Chorus when she made these 8 comments to you about your 2015 audition?</p> <p>9 A Do you mean the Supp Chorus, the Core Supp?</p> <p>10 Q No, I mean the Regular Chorus.</p> <p>11 Had she heard the Regular Chorus sing 12 in its entirety in the months preceding the October 13 2015 audition?</p> <p>14 A Not as a soloist. But during the course of 15 your singing in chorus, you're always going to be, 16 through the course of your time, next to everybody 17 else.</p> <p>18 Q Sure.</p> <p>19 But personal changes happen between 20 both the Regular Chorus and the Core, correct?</p> <p>21 A Correct. Yes.</p> <p>22 Q Is it your belief that Michael's comments 23 to you, that he needed a stronger middle voice, were 24 simply pretext for age discrimination?</p>	<p style="text-align: right;">Page 133</p> <p>1 would be in more than one opera. So as many as you 2 were engaged for, you would have received that 3 contract for.</p> <p>4 Q Okay. So you recall receiving a document 5 from someone at Lyric, that engaged you for Les 6 Troyens. And you believed at that point that would 7 be the only production you'd be singing in for the 8 2016-17 season. Is that your statement?</p> <p>9 A Correct.</p> <p>10 Q Do you recall receiving a contract for 11 every year that you were engaged at the opera, at the 12 Lyric Opera, from the time you returned in 2012 until 13 2016?</p> <p>14 A Yes.</p> <p>15 Q And is it correct to say that under the 16 Collective Bargaining Agreement, that as a Core 17 Supplementary Chorister, you're only required to 18 re-audition for every two years?</p> <p>19 A Correct.</p> <p>20 Q As a Supplementary Chorister, are you 21 required to audition every year?</p> <p>22 A Correct.</p> <p>23 Q As a Core Supplementary Chorister, you have 24 a maximum of a two-year engagement, correct?</p>

<p style="text-align: right;">Page 134</p> <p>1 A Yes. 2 Q And as a Supplementary Chorister, you have 3 a maximum of a one-year engagement, correct? 4 A Until the next audition cycle, correct. 5 Q Okay. Under the union agreement, is there 6 any provision for what we commonly refer to as 7 progressive discipline of a chorister? 8 A Can you please explain what that means? 9 Q Sure. 10 Sometimes in corporate settings 11 companies are required to give a verbal warning and 12 then a written warning, perhaps a final warning, 13 perhaps a suspension, before their employment is 14 terminated. 15 Are there any provisions like that for 16 a Core Supp or a Supplementary Chorister under the 17 union agreement? 18 A Absolutely. There are. 19 Q Tell me how. 20 A The CBA states, and I'm not going to be 21 able to give it verbatim, but it says that at any 22 point a Chorus Master can pull a chorister aside and 23 express concern; or, I believe, can have them come in 24 and do an extra audition, if they feel that there is</p>	<p style="text-align: right;">Page 136</p> <p>1 Q So once you sign a contract for a 2 particular season, you're allowed to sing in all of 3 the performances of those productions? 4 A Yes, barring some severe sabotorial (sic) 5 actions. 6 Q Okay. And you mentioned that under AGMA, 7 the Chorus Master can give -- you know, can pull 8 someone aside and give coaching advice or whatnot? 9 A Uh-huh. 10 Q Michael did in fact do that during your 11 2015 audition in this comment letter, correct? 12 A Yes. 13 Q He noted that he had concerns about choral 14 compatibility in the October 27th, 2015 letter, 15 correct? 16 A Can I see what you're looking at? 17 Q Sure. 18 I'm sorry, it's Exhibit 8. 19 A Can you repeat your question? 20 Q Yes. 21 Would you agree that Michael Black 22 gave you an indication of concerns about your choral 23 compatibility in October of 2015? 24 A Based on this review, yes.</p>
<p style="text-align: right;">Page 135</p> <p>1 something out of line. 2 And I do believe Michael Black, on 3 occasion, would pull people aside and say, you're 4 sticking out or that kind of thing. 5 So it's common for people to be able 6 to pull people aside and make a comment, if your 7 performance is not where it's supposed to be. 8 Q Okay. He does not have the power to 9 suspend someone for performances based on their vocal 10 performance, though, under the AGMA contract, 11 correct? 12 A I'm sorry, that's a multi-part question. 13 So let's break it down. 14 Q The Chorus Master does not have the ability 15 to suspend someone for their vocal performance under 16 the AGMA contract; is that correct? 17 A Are you saying -- I'm going to clarify your 18 point. 19 Are you saying mid season? 20 Q Yes. 21 A No, he does not. 22 The only thing I think you can get 23 suspended for is substance abuse or a number of 24 Schedule Cs.</p>	<p style="text-align: right;">Page 137</p> <p>1 Q Okay. So if he was allowed, under AGMA, to 2 give people warnings, that he had concerns about 3 vocal performance, this would be one way of doing it, 4 correct? 5 A Correct. 6 And he also could have mentioned it in 7 August or September, prior to that audition, in the 8 room rehearsal. 9 Q Sure. 10 If he had heard concerns about choral 11 compatibility, he could have mentioned it earlier, 12 correct? 13 A Sure. 14 Q But in August of 2015, he heard something 15 different than he heard in February of 2015, correct? 16 A That's what he states. 17 Q Right. 18 Are there any other reasons, other 19 than the seniority that we've just discussed, that 20 makes you believe that you personally were 21 discriminated by Lyric based on your age? Anything 22 we haven't covered? 23 A Would this be a point to bring in other 24 employment that other people hired me for?</p>

<p style="text-align: right;">Page 138</p> <p>1 In other words, I did not see a 2 diminishment of work in other -- working with other 3 people. Would this be the point to mention that? 4 Q Sure. Let's talk about that for a minute. 5 You worked elsewhere both before the 6 2016-17 season and after the 2016-17 season. You 7 worked for other venues, correct? 8 A Yes. 9 Q And you never had anyone else tell you that 10 you had problems with your middle range, correct? 11 A No. 12 In fact, there had been some concerts 13 that I had been hired for right around that time that 14 had repertoire that did have more middle and bottom. 15 So other people weren't hearing that as a full sound 16 down there. 17 Q Right. 18 And you could probably have a dozen 19 people vouch for your abilities as a soprano, 20 correct? 21 A Absolutely. 22 Q You've received accolades from various 23 institutions about your abilities as a solo 24 performer?</p>	<p style="text-align: right;">Page 140</p> <p>1 Q You have claimed previously that other 2 performers at The Lyric had similar auditions for the 3 Core, and were in fact hired in the 2016-17 season. 4 Whereas, you were not. 5 Is that your belief or contention? 6 A Can you say that first part of it again? 7 Q That younger or other performers had 8 similar auditions to you, and were hired in the Core 9 for the 2016-17 season? 10 A Correct. Correct. 11 Q Who are you claiming had a similar 12 performance to you, in either October of 2015 or 13 March of 2016, who were then hired in the Core for 14 the 2016-17 season? 15 A So I received the reviews that I was 16 reading in production. And so it's a lot to hold in 17 my head right now. But there were some comments in 18 some of the Core Supplemental reviews from that 19 audition that also addressed issues of concern, and 20 yet they were rehired. 21 For example, one that sticks out is 22 Suzanne with a K, it's a long name, that there was 23 comments about evidence of oversinging and other 24 things that could have been improved upon.</p>
<p style="text-align: right;">Page 139</p> <p>1 A I've won seven national competitions since 2 2011. I've been hired with multiple orchestras as 3 singing opera, oratorio, opera roles, fuller 4 repertoire, that would require a stronger voice, a 5 stronger middle. 6 Q And today you're still in demand as an 7 opera singer, correct? 8 A Yes. To some extent, yes. 9 Q You had good attendance. You rarely used 10 sick or personal time, correct? 11 A Correct. 12 Q But none of those other venues or letters 13 of recommendation or letters of accolades that you've 14 received were present for your October 2015 audition 15 with Michael Black, correct? 16 A Correct. 17 Q And Michael Black is the decision-maker for 18 hiring Core Supplementary Choristers for the 2016-17 19 season at the Lyric Opera, correct? 20 A Correct. 21 Q And based on the comments listed in that 22 critique letter, Michael chose not to re-engage you 23 in the Core for the 2016-17 season, correct? 24 A Correct.</p>	<p style="text-align: right;">Page 141</p> <p>1 That's simply one example out of about 2 10 reviews. 3 Q And when you say you had an opportunity to 4 review other people's reviews, or other choristers' 5 reviews, is that in connection with this litigation? 6 A Yes. 7 Q Prior to initiating this lawsuit, had you 8 ever reviewed any evaluations for any other 9 choristers at The Lyric? 10 A No. 11 Q So would you have any knowledge, before you 12 instituted this litigation, or at the time you filed 13 this litigation, of how any other chorister performed 14 in the auditions? 15 A Well, I was outside the door of the 2015 16 audition. And so when someone is asked to sing a 17 phrase over and over again, they're being asked to do 18 that because someone is saying that they want to hear 19 something different when they sing it. 20 So that would be a correction. 21 Q Can you confidently say that asking someone 22 to re-sing a phrase over and over again means that 23 they want to hear something different? 24 A Absolutely.</p>

<p style="text-align: right;">Page 142</p> <p>1 Q Why? 2 A I mean, that's why you would ask it at an 3 audition. 4 Suzanne and Kaileen had some trouble 5 with their arias, and they were asked to sing phrases 6 over and over again. I heard it through the door. 7 Q Is it possible that whoever was listening 8 to that audition could have wanted to hear it again 9 to hear whether or not there was a particular sound 10 that they were looking for, quality that they were 11 looking for? Aren't there a multitude of reasons for 12 why you could ask someone to repeat a phrase? 13 A There are. 14 But, in those cases, I heard their 15 singing outside the door. And it was a correction. 16 Q But that's your opinion, right? 17 A My professional opinion. 18 Q Okay. But you've never been a Chorus 19 Master, have you? 20 A No. 21 Q So it's not your decision as to whether or 22 not either one of those auditions in 2015 that you 23 were listening to outside the door were suitable for 24 the Core?</p>	<p style="text-align: right;">Page 144</p> <p>1 Q Okay. So if we said Suzanne Kszastowski -- 2 A That would be correct. 3 Q Okay. Terrific. Thank you. 4 And you stated that they had 5 performances that, in your professional opinion, were 6 not as good as yours? 7 A I'm not comparing them to mine. I'm saying 8 that they were asked to repeat phrases multiple times 9 at the end of their audition. 10 Q And do you believe that you should have 11 been selected in the Core instead of Kaileen or 12 Suzanne? 13 A I have no comment on that or belief in 14 that. I'm just saying that they were asked to repeat 15 phrases multiple times. 16 Q Do you believe your performance in your 17 October 2015 audition was better than what you heard 18 through the door for either Kaileen or Suzanne? 19 A I wouldn't want to comment on that. 20 Q I'm going to jump back to Exhibit 12 for a 21 second, which is the roster. 22 A Uh-huh. 23 Q Isn't Suzanne Kszastowski a second soprano 24 or a Soprano II?</p>
<p style="text-align: right;">Page 143</p> <p>1 A That wasn't what I was judging. I'm 2 commenting on the corrections. 3 So, to clarify your question -- 4 Q But it wasn't your decision as to whether 5 or not either one of those auditions that you were 6 listening to in October of 2015, as to whether or not 7 they were compatible for the Core? 8 A I have no opinion if they were compatible 9 for the Core or not. 10 I was just commenting on the fact that 11 they were asked to sing things over and over again. 12 And it was, in my professional opinion, a correction. 13 Q Okay. Fair enough. 14 I'm going to hand you an exhibit that 15 we'll mark as Defendant's Exhibit No. 13. 16 (Defendant Exhibit 13 marked as 17 requested.) 18 MS. CANTRELL: Q You were talking about 19 how in October of 2015, you had the opportunity to 20 hear through the door two other female auditions, 21 correct? 22 A Uh-huh. 23 Q And do you know who those two women were? 24 A Yes. Kaileen Miller and Suzanne with a K.</p>	<p style="text-align: right;">Page 145</p> <p>1 A Correct. Yes. 2 Q And it looks to me as though she sang in 3 five productions during the 2016-17 season. Would 4 you agree with that? 5 A Uh-huh. 6 Q Can compare yourself to a Soprano II, in 7 terms of the number of productions that sopranos 8 might be required to sing in? 9 A I'm sorry, I don't understand the question. 10 Q I'll rephrase that. 11 Why are these broken out into Soprano 12 I and Soprano II? 13 A Going back to what we talked about at the 14 beginning, sometimes the voice parts of the soprano 15 will divide into two notes. And since a singer can 16 only sing one note at a time, there are sections 17 where they have to have the sopranos divide, because 18 they're singing different music. 19 And so you put one singing, which is a 20 Soprano I, will take the upper note; and the Soprano 21 II will take the lower note. It's called a divisi, 22 divided. 23 Q So in just looking at Les Troyens, it looks 24 like Michael or The Lyric decided that they needed</p>

<p style="text-align: right;">Page 146</p> <p>1 seven Soprano I's and six Soprano II's for that 2 production. Would you agree with that?</p> <p>3 A Uh-huh.</p> <p>4 Q So since you are a Soprano I, you wouldn't 5 necessarily have been considered for the Soprano II 6 roles that Suzanne K sang in during that season, 7 correct?</p> <p>8 A Correct.</p> <p>9 Q Okay. Exhibit 13 is a letter dated 10 October 27th, 2015.</p> <p>11 In looking at this document, can you 12 tell me what this is?</p> <p>13 A Kaileen's re-audition notice review.</p> <p>14 Q Is there anything on this review that jumps 15 to you as a critique or a criticism? An area for 16 improvement, if you will?</p> <p>17 A Medium-sized voice was the same comment I 18 had. Piercing timbre, I've never heard that used as 19 a complementary term. And he did notice on Point 5 20 improvement.</p> <p>21 And I know there was some question 22 that we don't take past auditions into account, but 23 there was a notice that he did mention, clearly, that 24 he did take her last audition into consideration; and</p>	<p style="text-align: right;">Page 148</p> <p>1 heard that as a complementary. And medium-sized 2 voice, again, depending on how one sees that, I know 3 there was discussion about medium-sized voice before, 4 and that was the same comment I had.</p> <p>5 So whether or not that's a comment or 6 a concern, I can't speak to that. That's just simply 7 a comment.</p> <p>8 Q So in reviewing your comment letter next to 9 her comment letter, and yours was Exhibit 8, you both 10 have a medium-sized voice, correct?</p> <p>11 A Uh-huh.</p> <p>12 Q Kaileen sometimes has a piercing timbre. 13 You have a warm timbre. Correct?</p> <p>14 A Uh-huh. Correct.</p> <p>15 Q Kaileen's vibrato was controlled. Your 16 vibrato was spinning?</p> <p>17 A Uh-huh.</p> <p>18 Q Kaileen had support connected to the 19 breath. Yours was said to be inconsistent?</p> <p>20 A Uh-huh.</p> <p>21 Q Kaileen's said excellent intonation and 22 attention to diction. Yours said some intonation 23 issues involving flatness.</p> <p>24 Would you agree with --</p>
<p style="text-align: right;">Page 147</p> <p>1 that there was an improvement.</p> <p>2 Q And, in fact, when we were reviewing your 3 comment letter from October 27th, 2015, I believe you 4 noted the same thing, that he said this was a more 5 musical performance?</p> <p>6 A Right.</p> <p>7 Q So he noted that that was something that 8 you had worked on previously from your 2013 audition, 9 correct?</p> <p>10 A Exactly.</p> <p>11 And the reason I bring that point up, 12 is I know there was a position statement, I believe, 13 where it said that past reviews were not taken into 14 consideration. And so I'm just bringing this up, 15 that this would state otherwise.</p> <p>16 Q Okay. Noted.</p> <p>17 When we reviewed your comment letter, 18 you said there were at least two things on there 19 which were areas of improvement?</p> <p>20 A Uh-huh.</p> <p>21 Q What are areas of improvement on this 22 comment letter for Kaileen Miller?</p> <p>23 A Piercing timbre, as I said, I don't see 24 necessarily as a complementary term. I've never</p>	<p style="text-align: right;">Page 149</p> <p>1 A You are reading those reviews correctly.</p> <p>2 Q Okay. You don't necessarily agree with the 3 comments, but that's what Michael put on your 4 evaluation, correct?</p> <p>5 A Correct.</p> <p>6 Q Is it your contention that Kaileen Miller 7 was hired in the Core instead of you during the 8 2016-17 season?</p> <p>9 A I believe that -- I believe so, to the best 10 of my knowledge.</p> <p>11 Q Do you know if Kaileen Miller is still 12 performing in the Core Supplementary Chorus for the 13 Lyric Opera?</p> <p>14 A I do not.</p> <p>15 Q Do you know Kaileen Miller's age?</p> <p>16 A I believe at this time she was under 30, 17 and had not been at Lyric for more than four years.</p> <p>18 So it's still at one of the lower 19 entry-level positions.</p> <p>20 Q So do you believe that these comments had 21 any bearing on hiring Kaileen over you, or do you 22 believe that Lyric was trying to save money by hiring 23 Kaileen? Or do you have some other belief?</p> <p>24 A I don't want to --</p>

<p style="text-align: right;">Page 150</p> <p>1 MS. HALL-JACKSON: Answer the question, 2 please.</p> <p>3 THE WITNESS: Repeat the question, please.</p> <p>4 MS. CANTRELL: Q Is it your contention 5 that Kaileen Miller was hired instead of you, because 6 she was lower in seniority?</p> <p>7 A Yes.</p> <p>8 But I'd like to clarify my answer.</p> <p>9 Q Okay.</p> <p>10 A I believe that I was replaced with somebody 11 else, because they had less seniority and they were 12 cheaper.</p> <p>13 So I'm not going to say something bad 14 about a colleague.</p> <p>15 MS. HALL-JACKSON: She's not asking you to 16 say something bad. Listen to the question.</p> <p>17 MS. CANTRELL: Q Was Kaileen hired 18 instead of you in order to save money?</p> <p>19 A Yes, I believe so.</p> <p>20 Q So following that rationale, shouldn't 21 Lyric always hire less-experienced singers?</p> <p>22 A Sorry, I have to clarify a point right now, 23 because I can't say that somebody didn't hire me to 24 hire somebody else. I'm saying they didn't hire me.</p>	<p style="text-align: right;">Page 152</p> <p>1 THE WITNESS: Yes.</p> <p>2 MS. CANTRELL: Q Okay. Is it your 3 contention, or your assertion here in this lawsuit, 4 that The Lyric specifically hires less expensive 5 singers to replace more senior, experienced singers?</p> <p>6 A Yes. As referring to, particularly, the 7 Core Supplemental group, which is much more 8 vulnerable than the Regular Chorus.</p> <p>9 Q Do you know how much money Lyric saves by 10 hiring someone with less seniority?</p> <p>11 A Yes, I can answer that.</p> <p>12 So the difference between a Core -- 13 Well, you have to get into the tiers and the 14 regulars. So give me a specific example. Or do you 15 want me to give you a specific example?</p> <p>16 Q How much money did Lyric save by hiring 17 Kaileen instead of you for the 2016-17 season?</p> <p>18 A Probably \$12 an hour, \$35 per performance, 19 plus the difference between retirement benefits, 20 unemployment benefits. That's what I believe.</p> <p>21 Q That's your estimate?</p> <p>22 A And then you multiply that by the number of 23 productions that I wasn't in, and it's quite a 24 substantial amount, if you add it all together.</p>
<p style="text-align: right;">Page 151</p> <p>1 Q Okay.</p> <p>2 A So I think we need to make a distinction 3 there.</p> <p>4 Q Okay. So why weren't you hired for the 5 2016-17 season?</p> <p>6 A I believe I wasn't hired because I was more 7 expensive. And I believe that it was correlated to 8 age discrimination, and that I was more expensive.</p> <p>9 Q Okay. It's correlated to age 10 discrimination because you were more expensive, 11 correct?</p> <p>12 A Yes.</p> <p>13 Q You don't have any other evidence of age 14 discrimination?</p> <p>15 A Directly relating to me?</p> <p>16 Q Correct.</p> <p>17 A No.</p> <p>18 Q Okay. So, again, if The Lyric's goal was 19 to save money, wouldn't they always hire 20 inexperienced singers?</p> <p>21 A Well, wouldn't that be obvious?</p> <p>22 Q Well, it's yes or no.</p> <p>23 MS. HALL-JACKSON: Objection. Speculation. 24 You may answer.</p>	<p style="text-align: right;">Page 153</p> <p>1 Q Do you have any knowledge of the overall 2 budget of the Lyric Opera?</p> <p>3 A I do not.</p> <p>4 Q Do you know if anyone ever directed any 5 Chorus Master to reduce the budget by selecting a 6 less-experienced singer?</p> <p>7 A I do not. Budget is listed as the Chorus 8 Master's duties, however, in the CBA.</p> <p>9 Q Do you know if the Chorus Master, 10 specifically Michael Black, during the 2016-17 11 season, was directed to select less-experienced 12 singers to reduce the budget?</p> <p>13 A I don't know that.</p> <p>14 Q Are there other ways of reducing the budget 15 at an opera house?</p> <p>16 A Yes.</p> <p>17 Q Could he have selected fewer singers for a 18 production instead of less-experienced singers for 19 the 2016-17 season?</p> <p>20 MS. HALL-JACKSON: Objection to 21 speculation.</p> <p>22 MS. CANTRELL: Q Based on your 23 professional opinion, are there other ways to reduce 24 a budget at an opera house?</p>

<p style="text-align: right;">Page 154</p> <p>1 A That's a little tricky, because some of the 2 chorus are dictated by numbers. And I'm not sure 3 exactly how that works, but there is some kind of 4 requirement through negotiation of how many 5 choristers are needed for operas. And that has to do 6 with something I'm not familiar with.</p> <p>7 Q That's beyond the scope of your knowledge, 8 correct?</p> <p>9 A Yes.</p> <p>10 Q Either way, the contract does state that 11 you always have to have 48 Regular Chorister members?</p> <p>12 A On full time. But not every opera requires 13 48 choristers.</p> <p>14 Q Okay. So there may be an opera in 15 production for a particular season that would require 16 less. And then those 48 choristers would not be 17 singing, correct?</p> <p>18 A Correct.</p> <p>19 Q Would they still be paid, under the 20 contract?</p> <p>21 A In the Regular Chorus, they were on salary. 22 So yes.</p> <p>23 Q Okay. But a Core Supplementary Chorister 24 does not have the same guarantees under the union</p>	<p style="text-align: right;">Page 156</p> <p>1 A I've been always hired as a Soprano I. So 2 I don't really know how to answer that question.</p> <p>3 Q Have you ever sang as a Soprano II?</p> <p>4 A Yes.</p> <p>5 Q Have you ever sang as a Soprano II for The 6 Lyric?</p> <p>7 A No.</p> <p>8 Q Have you ever sang as an alto?</p> <p>9 A No.</p> <p>10 Q And you're not a bass or a tenor, correct?</p> <p>11 A Correct.</p> <p>12 Q We talked a little bit about Kaileen 13 Miller. Is it correct that Jill Dewsnap also sang in 14 the Core during the 2016-17 season at The Lyric?</p> <p>15 A Correct.</p> <p>16 Q And Jill Dewsnap, was that her first season 17 at The Lyric; or did she sing for The Lyric 18 previously?</p> <p>19 A No, she sang for The Lyric previously.</p> <p>20 Q Do you know what position she held prior to 21 the 2016-17 season?</p> <p>22 A I'm not sure when she started, but I 23 believe she was a member of the Supplemental Chorus 24 prior to being in the Core Supplemental Chorus.</p>
<p style="text-align: right;">Page 155</p> <p>1 agreement, correct?</p> <p>2 A For a certain number of operas?</p> <p>3 Q Correct.</p> <p>4 A Correct.</p> <p>5 Q So if you're in the Core or in the Supp, 6 and the Chorus Master decides that they may not need 7 as many choristers, there's no guarantee that those 8 Core or Supp Choristers would sing in all 9 productions, correct?</p> <p>10 A Correct.</p> <p>11 But, again, out of the scope of my 12 expertise, I don't know how those numbers are 13 determined.</p> <p>14 Q Okay.</p> <p>15 A I believe it is a complex process. And I 16 don't know how that works.</p> <p>17 Q Would you agree that all the wages and 18 compensation for choristers at the three levels of 19 chorus at The Lyric are set by AGMA?</p> <p>20 A Yes.</p> <p>21 Q We talked a little bit previously about the 22 differences between a Soprano I and a Soprano II. Is 23 it fair to say that you do not compare yourself to a 24 Soprano II?</p>	<p style="text-align: right;">Page 157</p> <p>1 Q Do you know when she moved from the Supp to 2 the Core?</p> <p>3 A I don't recall.</p> <p>4 Q Is it your contention that if you had been 5 under the age of 40, that you would have been hired 6 for the 2016-17 season?</p> <p>7 A Under the age of 40 with comparable 8 seniority, yes.</p> <p>9 Q If you would have been under the age of 40, 10 you wouldn't have comparable seniority, correct?</p> <p>11 A Right, but --</p> <p>12 Q Sorry. Let me try and break it down for 13 you.</p> <p>14 Is it your contention that if you were 15 under the age of 40, you would have been hired for 16 the 2016-17 season?</p> <p>17 A Absolutely.</p> <p>18 Q If you had less seniority, would you have 19 been hired for the 2016-17 season?</p> <p>20 In other words, was it your seniority 21 or your age that knocked you out for the 2016-17 22 season?</p> <p>23 A It was my age and accompanying seniority. 24 I don't believe we can separate those two out.</p>

<p style="text-align: right;">Page 158</p> <p>1 Q Why not? 2 Are you stating that with age came 3 seniority? 4 A Yes. 5 Q Okay. Is there anything else -- And I 6 think I've tried to ask this a few times, but I feel 7 like we're getting crossed signals here. 8 Is there anything specifically related 9 to your age, in that you're over the age of 40, other 10 than seniority -- in other words, removing seniority 11 from the table all together -- is there anything 12 about your age that caused you not to be hired for 13 the 2016-17 season? 14 A I believe no. 15 Q Did Michael ever make any age-related 16 comments to you? 17 A No, but he sent me a birthday card. 18 Q Oh, when? 19 A For one of my birthdays. 20 So he was aware of age. 21 Q And was it his practice to send birthday 22 cards to other choristers? 23 A Uh-huh. Everybody. 24 Q Not just you?</p>	<p style="text-align: right;">Page 160</p> <p>1 list? 2 A Yes. 3 Q In Answer to Interrogatory No. 2, you 4 listed several individuals who -- you listed several 5 individuals. 6 The first person listed here is Sir 7 Andrew Davis. Do you see that? 8 A Yes. 9 Q And under information they possess, it 10 states: "Detailed information of the enormous 11 financial challenges currently facing LOC." 12 Do you see that language? 13 A Yes. 14 Q Who's LOC? 15 A Lyric Opera of Chicago. 16 Q What's the basis for your belief that Sir 17 Andrew Davis has information on financial challenges 18 facing Lyric? 19 A The short of it is, that there's no secret 20 that Lyric is facing financial challenges. There's 21 been a lot in the press about that. 22 And, also, there was a voluntary 23 retirement package offered to non-unionized employees 24 in, I believe, March of 2016 -- I know it was in</p>
<p style="text-align: right;">Page 159</p> <p>1 A No, everybody. 2 Q Are you still a member of AGMA? 3 A Yes. 4 MS. CANTRELL: All right. This is going to 5 be Exhibit 14. 6 MS. HALL-JACKSON: Let's take a quick break 7 before you get a question out. 8 (short break taken.) 9 MS. CANTRELL: Back on the record. 10 Q And, again, as a reminder, Christine, you 11 are still under oath. 12 And we are going to label this next 13 document as Defendant's Exhibit No. 14. 14 (Defendant Exhibit 14 marked as 15 requested.) 16 MS. CANTRELL: Q All right, Christine. 17 Can you tell me what this document is? 18 A Witness list, and it says Interrogatory 19 No. 2. 20 Q Are these the answers to the 21 interrogatories that we propounded to you and to 22 Martin Pooch? 23 A I believe so. 24 Q Did you take part in preparing this witness</p>	<p style="text-align: right;">Page 161</p> <p>1 2016, and I believe in March -- for employees 50 and 2 older. 3 Q So when you say nonunion, that would not 4 have been available to you? 5 A Correct. 6 Q This language on Exhibit 14 also states 7 that Sir Andrew Davis may have knowledge as to how 8 targeting employees over the age of 40 to lower the 9 average age would result in significant savings. 10 Do you see that language? 11 A Uh-huh. 12 Q So is it your contention that -- Well, let 13 me strike that. 14 How is lowering the average age 15 resulting in significant savings to Lyric? 16 A Because the older you are, there is usually 17 a pay relationship between age and how much you cost 18 a company. 19 Q Well, specifically for The Lyric, how much 20 employees are paid is based on seniority, not age. 21 Correct? 22 A Correct. 23 Q And there may be some correlation, because 24 if you work there longer, purportedly you get older</p>

<p style="text-align: right;">Page 162</p> <p>1 as you work, right?</p> <p>2 A Correct.</p> <p>3 Q But, for the most part, the amount you're 4 paid is based on your level of seniority; is that 5 right?</p> <p>6 A Correct.</p> <p>7 Q Okay. You also list Anthony Freud. 8 Who is that?</p> <p>9 A The general director of the Lyric Opera of 10 Chicago.</p> <p>11 Q Okay. Again, under information that you 12 possess, you make reference to financial challenges?</p> <p>13 A Uh-huh.</p> <p>14 In the fireside chats that they would 15 have once a year, they would often discuss the 16 challenges facing the company.</p> <p>17 Q Who held the fireside chats?</p> <p>18 A Anthony Freud.</p> <p>19 Q And what did that entail?</p> <p>20 A It was open to the chorus and the other 21 employees, to come and hear about the state of the 22 company.</p> <p>23 Q It was a voluntary meeting?</p> <p>24 A Yes.</p>	<p style="text-align: right;">Page 164</p> <p>1 this document?</p> <p>2 A Martin Pooch and I.</p> <p>3 Q Did you take part in creating this 4 document?</p> <p>5 A Yes.</p> <p>6 Q On page 1 it states, we have each been 7 employed for over a decade.</p> <p>8 Do you see that language --</p> <p>9 A Uh-huh.</p> <p>10 Q -- in the first paragraph?</p> <p>11 A Uh-huh.</p> <p>12 Q And that's not really accurate. Because 13 you actually, at the time of writing that letter, had 14 only been re-employed by the Lyric for four seasons, 15 correct?</p> <p>16 A But if you add the six seasons, that 17 creates a decade, wouldn't you say?</p> <p>18 Q Okay. So when you say we've each been 19 employed for over a decade, you're adding your prior 20 tenure with the Lyric together with your most recent 21 tenure with the Lyric; is that right?</p> <p>22 A Correct.</p> <p>23 Q Are you employed now?</p> <p>24 A Yes.</p>
<p style="text-align: right;">Page 163</p> <p>1 Q And then you state that they would have 2 knowledge regarding targeting employees over the age 3 of 40 to lower the average age and how that would 4 result in significant savings?</p> <p>5 A Yes.</p> <p>6 Q But, again, it's not so much whether or not 7 they were over 40 or the average age. It was really 8 the level of seniority; isn't that correct?</p> <p>9 A Yes. That correlates with age, correct.</p> <p>10 MS. CANTRELL: I am going to mark this as 11 Exhibit 15. But I apologize, I only have one copy. 12 I'll be happy to make extra copies of this when we're 13 done.</p> <p>14 MS. HALL-JACKSON: I can share with my 15 client.</p> <p>16 (Defendant Exhibit 15 marked as 17 requested.)</p> <p>18 MS. CANTRELL: Q Can you tell me what 19 this is.</p> <p>20 A This is a letter dated June 6, 2016, to Liz 21 Landon, Director of Human Resources.</p> <p>22 Q In the beginning part of the letter, it 23 states -- I take that back.</p> <p>24 On page 2 of the document, who signed</p>	<p style="text-align: right;">Page 165</p> <p>1 Q Where are you currently working?</p> <p>2 A I work at Concordia University in River 3 Forest, Illinois, as an adjunct voice instructor.</p> <p>4 Q Is that a full time or a part-time 5 position?</p> <p>6 A Part time.</p> <p>7 Q How many hours a week do you work?</p> <p>8 A On average, between 7 and 10.</p> <p>9 Q Are you also performing as a chorister?</p> <p>10 A No, I am not.</p> <p>11 Q Are you performing as a soloist?</p> <p>12 A Yes.</p> <p>13 Q Where are you performing as a soloist?</p> <p>14 A Like starting now into the future, 15 currently?</p> <p>16 Q Yes.</p> <p>17 A I'm going to be performing in multiple 18 venues in France in the next two-and-a-half weeks.</p> <p>19 Q Who is that through?</p> <p>20 A It's through the Chicago Paris Cabaret 21 Connexion, Connexion spelled with an X.</p> <p>22 Q And since leaving Lyric in 2016, have you 23 performed as a chorister for any other venues in 24 Chicago?</p>

<p style="text-align: right;">Page 166</p> <p>1 A No, I have not.</p> <p>2 Q Have you performed as a chorister for any 3 other venues nationwide?</p> <p>4 A No. And neither have I auditioned for any 5 choruses.</p> <p>6 Q So since 2016, have you only been 7 performing as a soloist?</p> <p>8 A Correct.</p> <p>9 Q Okay. So in the 2016-17 season, you 10 performed in one opera for Lyric, correct?</p> <p>11 A Correct.</p> <p>12 Q Did you perform in any operas for Lyric in 13 the 2017-18 season?</p> <p>14 A Correct. Yes.</p> <p>15 Q How many?</p> <p>16 A One.</p> <p>17 Q And during the 2017-18 season, did you 18 perform as a soloist in any other venue?</p> <p>19 A Yes.</p> <p>20 Q Where was that?</p> <p>21 A I've performed a lot. So it's quite a 22 resume.</p> <p>23 If you want me to give everything, is 24 this the time?</p>	<p style="text-align: right;">Page 168</p> <p>1 A Yes.</p> <p>2 Q Are there opportunities, other than at The 3 Lyric, for full-time chorister positions in the City 4 of Chicago?</p> <p>5 A There are.</p> <p>6 Q What would some of those be?</p> <p>7 A That would be Grant Park and the Chicago 8 Symphony.</p> <p>9 Q Does Grant Park and Chicago Symphony, both, 10 employ full-time choristers?</p> <p>11 A I don't believe it's full time. I believe 12 it's part time. Sorry.</p> <p>13 Q Okay. So other than those two, are there 14 any other opportunities for choristers to sing full 15 time in the City of Chicago?</p> <p>16 A So I guess I don't believe it's a full-time 17 position. So let me clarify that. I believe those 18 are part-time positions.</p> <p>19 I am not aware of any other.</p> <p>20 Q So you stated earlier that your bachelor's 21 degree was originally in Asian studies and studio 22 art, correct?</p> <p>23 A Uh-huh.</p> <p>24 Q And then you went and got a bachelor's</p>
<p style="text-align: right;">Page 167</p> <p>1 Q You can give me just a brief summary, if 2 you don't mind.</p> <p>3 A I brought an outreach program to schools. 4 So over the last -- You know, I'm going to just list 5 the last four years, because things intertwine.</p> <p>6 Q Sure.</p> <p>7 A I've performed for 23,000 Chicago youth in 8 schools. I've performed the roles of Madame 9 Butterfly in La Traviata. I've performed as a 10 soloist for several churches. I've done recitals for 11 the Musicians Club of Women, for the 19th Century 12 Club for Lyric Opera Chapters. I've -- Oh, boy. 13 There's a lot.</p> <p>14 I've entered several competitions. I 15 won the 2018 Chicago Oratorical Award. So I sang 16 with the orchestra as a result of that win, and a 17 cash surprise.</p> <p>18 I'm probably only remembering about 19 half of it right now.</p> <p>20 Q Okay. That's fine.</p> <p>21 A I also wrote a book of songs, collaborated 22 on a book of songs. It was self-published.</p> <p>23 Q Were all of these that you've just 24 described part-time positions?</p>	<p style="text-align: right;">Page 169</p> <p>1 degree in vocal performance, and as well as a 2 master's degree. Correct?</p> <p>3 A Correct.</p> <p>4 Q At the time, in 1995-96, when you decided 5 to pursue a career in vocal performance, did you know 6 that you would always be taking part-time positions?</p> <p>7 Was that your anticipation when you switched to vocal 8 performance?</p> <p>9 A I had no idea about the business. I knew I 10 loved to sing.</p> <p>11 Q Other than working for The Lyric as a 12 Regular Chorister, have you ever been employed full 13 time as a chorister?</p> <p>14 A No.</p> <p>15 Q How about as a soloist?</p> <p>16 A I don't think there is such a thing as a 17 full-time soloist.</p> <p>18 To clarify your question, do you mean 19 by one company?</p> <p>20 Q Yes. Correct.</p> <p>21 A So opera companies hire soloists for 22 contract work specific to a production. So there 23 would be no such thing as an opera company hiring a 24 soloist for a full-time job. It would be per</p>

<p style="text-align: right;">Page 170</p> <p>1 contract.</p> <p>2 Q Can you think of other musical venues that 3 might hire full-time singers?</p> <p>4 A Full-time soloists?</p> <p>5 Q Yes.</p> <p>6 A No.</p> <p>7 MS. CANTRELL: This will be Exhibit 16. 8 (Defendant Exhibit 16 marked as 9 requested.)</p> <p>10 MS. CANTRELL: Q And I'll give you a 11 minute to review.</p> <p>12 Christine, what's this document?</p> <p>13 A It is Plaintiffs' Response to Defendant's 14 First Set of Interrogatories.</p> <p>15 Q And you and Martin Pooch are the plaintiffs 16 in this case, correct?</p> <p>17 A Correct.</p> <p>18 Q So these are your answers to The Lyric's 19 interrogatories?</p> <p>20 A Correct.</p> <p>21 Q Did you partake in the preparation of this 22 document?</p> <p>23 A Yes.</p> <p>24 Q Can you turn to page 4. And, specifically,</p>	<p style="text-align: right;">Page 172</p> <p>1 A Yes.</p> <p>2 Q Interrogatory No. 9, which starts on the 3 same page and then is answered on the following page, 4 asks you to describe your damages.</p> <p>5 A Uh-huh.</p> <p>6 Q And you answer that this is correct as of 7 3-5-2018 at the top.</p> <p>8 Do you see that?</p> <p>9 A Yes.</p> <p>10 Q And for Christine Steyer it lists medical, 11 and it lists NA. Do you see that?</p> <p>12 A Yes.</p> <p>13 Q What does that mean, NA?</p> <p>14 A I believe that refers to any out-of-pocket 15 medical expenses I would have incurred for the 16 emotional distress.</p> <p>17 Q Between the time this document was created 18 in March of 2018 and today, have you incurred any 19 additional medical expenses?</p> <p>20 A No.</p> <p>21 Q On page 6, which is the next page, 22 Interrogatory No. 10.</p> <p>23 A I would like to clarify my answer.</p> <p>24 Q Sure. Certainly.</p>
<p style="text-align: right;">Page 171</p> <p>1 I'm looking at Interrogatory No. 7 and the answer.</p> <p>2 A Uh-huh.</p> <p>3 Q There's a paragraph that starts CS with a 4 colon following it, and there's another one that says 5 MP with a colon after it.</p> <p>6 Where it says CS, is that your answer 7 to Interrogatory No. 7?</p> <p>8 A Correct.</p> <p>9 Q As opposed to MP, which is Martin's. Is 10 that right?</p> <p>11 A Correct.</p> <p>12 Q In that paragraph, in answer to 13 Interrogatory No. 7, you state: "Kaileen Miller, 14 well under 40, replaced me."</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q And we were talking earlier about whether 18 or not it was Kaileen Miller or Suzanne or Jill whom 19 you contend replaced you in the Core Supplementary 20 Chorus.</p> <p>21 In looking at this answer, is it 22 correct that your contention here today is that 23 Kaileen Miller was the one who replaced you in the 24 Core?</p>	<p style="text-align: right;">Page 173</p> <p>1 A I did not have health insurance. So I was 2 not able to seek therapy for emotional distress. So 3 I sought healing through other means that did not 4 incur medical expenses, and through alternative 5 treatments as well.</p> <p>6 Q So on page 6, where it says Interrogatory 7 No. 10, we ask, do you seek damages for emotional 8 distress? And under the answer it says, CS none. 9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Are you claiming at this point that you're 12 seeking damages for emotional distress?</p> <p>13 A Yes.</p> <p>14 Q So I expect that these will be updated or 15 supplemented at some point?</p> <p>16 A Yes.</p> <p>17 Q Can you quantify the amount of damages 18 today that you're seeking for emotional distress? 19 In other words, do you have a dollar 20 figure?</p> <p>21 MS. HALL-JACKSON: Do you understand the 22 question? If not ask, her to clarify.</p> <p>23 THE WITNESS: Can you clarify that 24 question, please.</p>

<p style="text-align: right;">Page 174</p> <p>1 MS. CANTRELL: Q Sure.</p> <p>2 Are you able to quantify the amount of 3 damages you're seeking for emotional distress?</p> <p>4 A I would need to look at receipts for 5 certain doctor's visits and alternative therapies I 6 might have done. That could be considered emotional 7 distress.</p> <p>8 So my answer is, no, I cannot explain 9 it right now.</p> <p>10 Q Okay. I am going to hand you a document 11 which we'll mark Exhibit 17.</p> <p>12 (Defendant Exhibit 17 marked as 13 requested.)</p> <p>14 MS. CANTRELL: Q This is a four-page 15 document. Please look at pages 1 and 2.</p> <p>16 A Uh-huh.</p> <p>17 Q It would appear that page 2 is a 18 continuation of page 1. Would you agree with that?</p> <p>19 A Yes.</p> <p>20 Q Can you tell me what this document is, 21 pages 1 and 2?</p> <p>22 A It is an interview by the EEOC, I believe, 23 of Martha Kasten.</p> <p>24 Q And who is Martha Kasten?</p>	<p style="text-align: right;">Page 176</p> <p>1 correct?</p> <p>2 A Right.</p> <p>3 Q Why didn't you produce the original e-mail 4 as opposed to re-typing it?</p> <p>5 A I don't know.</p> <p>6 Q Previously we looked at what you stated was 7 an excerpt of an e-mail from Corinne Wallace in 8 Exhibit 10.</p> <p>9 Are you testifying today that this is 10 a true and correct --</p> <p>11 A Yes.</p> <p>12 Q -- description of the e-mail or actually a 13 factual true and correct copy of the e-mail that she 14 sent to you on December 15th, 2015?</p> <p>15 A Yes, I am.</p> <p>16 Q And then there's a comment in parenthesis 17 at the bottom that says, "Please note that the author 18 is incorrect -- I was not in The Sound of Music."</p> <p>19 Do you see that comment?</p> <p>20 A Yes.</p> <p>21 Q Is that your comment?</p> <p>22 A Yes.</p> <p>23 Q Please turn to page 4.</p> <p>24 What is this document?</p>
<p style="text-align: right;">Page 175</p> <p>1 A She was formerly a Core Supplemental 2 Chorister at Lyric Opera of Chicago.</p> <p>3 Q Do you intend to call Martha Kasten as a 4 witness in this case, if you know?</p> <p>5 A I don't know.</p> <p>6 Q Have you had any communication with Martha 7 Kasten in the last 24 months?</p> <p>8 A I might have had one.</p> <p>9 Q Did you provide Martha Kasten's name to the 10 EEOC during the investigation of the EEOC charge that 11 you filed preceding this case?</p> <p>12 A Yes.</p> <p>13 Q Can you turn to page 3.</p> <p>14 A Yes.</p> <p>15 Q Is this an unredacted -- Well, scratch 16 that.</p> <p>17 What is this document?</p> <p>18 A This is an unredacted e-mail from Corinne 19 Wallace-Crane.</p> <p>20 Q Who is it addressed to?</p> <p>21 A It was sent to me.</p> <p>22 Q And did you re-type this document?</p> <p>23 A Yes.</p> <p>24 Q It doesn't look like it's in e-mail format,</p>	<p style="text-align: right;">Page 177</p> <p>1 A This is a list of witnesses that Martin and 2 I gave to the EEOC.</p> <p>3 Q And there are several sections that have 4 been redacted?</p> <p>5 A Correct.</p> <p>6 Q Do you recall if you have an unredacted 7 witness list that you gave to the EEOC?</p> <p>8 In other words, do you have the 9 original of this document before the redactions were 10 made?</p> <p>11 A Yes.</p> <p>12 Q Which you've not produced in this case, 13 correct?</p> <p>14 A Correct.</p> <p>15 Q What is your basis for withholding this 16 document?</p> <p>17 A To protect the identity of people that work 18 there that might feel their job is in jeopardy if 19 they speak on behalf of Martin and I relating to age 20 discrimination.</p> <p>21 Q Can you speak to any legal privilege that 22 gives you the right to withhold evidence in this 23 case?</p> <p>24 A I don't know the law enough on that. So I</p>

<p style="text-align: right;">Page 178</p> <p>1 cannot.</p> <p>2 Q Okay. So sitting here today, under</p> <p>3 paragraph 1, there's a name that's been redacted or</p> <p>4 crossed out. Do you know who that individual is?</p> <p>5 A Uh-huh.</p> <p>6 Q Can you state for the record who that</p> <p>7 person is?</p> <p>8 MS. HALL-JACKSON: If you don't know, you</p> <p>9 don't know.</p> <p>10 THE WITNESS: I do know who that person is.</p> <p>11 I think I know who that person is.</p> <p>12 MS. HALL-JACKSON: If you don't know, you</p> <p>13 don't know.</p> <p>14 THE WITNESS: I don't know. I'm going to</p> <p>15 say I don't know.</p> <p>16 MS. CANTRELL: Q You are required to give</p> <p>17 truthful testimony, and you are under oath. Let me</p> <p>18 just remind you of that fact.</p> <p>19 A I think I know who it is. I'm not exactly</p> <p>20 sure.</p> <p>21 So I will give you my knowledge, to</p> <p>22 the best of my ability, who I think that person is.</p> <p>23 Q Well, I'm not asking you to guess. But you</p> <p>24 did state that you have an unredacted copy of this</p>	<p style="text-align: right;">Page 180</p> <p>1 Q Otherwise, I'm going to ask you to produce</p> <p>2 the original document.</p> <p>3 A Okay.</p> <p>4 Q Do you know if you intend to call any of</p> <p>5 the individuals listed here, if you know? Because,</p> <p>6 again, they're redacted. So I can't speak to who</p> <p>7 they are.</p> <p>8 But sitting here today, are there any</p> <p>9 names that have been redacted that you intend to call</p> <p>10 as witnesses in this case?</p> <p>11 A Possibly.</p> <p>12 Q Okay. Have you ever filed a lawsuit</p> <p>13 against any other employer?</p> <p>14 A Never.</p> <p>15 Q Okay. I think I'm done.</p> <p>16 I may have a few follow-up questions</p> <p>17 after your attorney chimes in. But, for the most</p> <p>18 part, I think I've covered the majority of what we</p> <p>19 needed to discuss here today.</p> <p>20 Thank you.</p> <p>21 A Thank you.</p> <p>22 MS. HALL-JACKSON: Okay. I'm going to ask</p> <p>23 for 5 minutes before we start back up.</p> <p>24 (short break taken.)</p>
<p style="text-align: right;">Page 179</p> <p>1 document.</p> <p>2 A I do have an unredacted copy. But this was</p> <p>3 not one of the documents I reviewed prior to my</p> <p>4 deposition today.</p> <p>5 Q Okay. So I'm going to ask that you either</p> <p>6 produce this document or -- And we do have a</p> <p>7 confidentiality order in place in this case. So it</p> <p>8 will be kept confidential.</p> <p>9 I'm going to ask that you either</p> <p>10 produce it, or give a reason as to why it should be</p> <p>11 privileged. And even if it is privileged, you're</p> <p>12 still required to provide some detail on it.</p> <p>13 A I would request to produce it, because</p> <p>14 there's a lot of names --</p> <p>15 MS. HALL-JACKSON: Ma'am, you're not an</p> <p>16 attorney. Just chill out. Okay?</p> <p>17 THE WITNESS: Okay.</p> <p>18 MS. HALL-JACKSON: Just listen to the</p> <p>19 questions, and answer yes or no.</p> <p>20 THE WITNESS: Okay.</p> <p>21 MS. CANTRELL: Q So if today you can</p> <p>22 state with direct knowledge as to what's been</p> <p>23 redacted, then I'll allow you to do that.</p> <p>24 A Okay.</p>	<p style="text-align: right;">Page 181</p> <p>1 EXAMINATION</p> <p>2 by Ms. Hall-Jackson:</p> <p>3 MS. HALL-JACKSON: We're back on the</p> <p>4 record.</p> <p>5 Good afternoon. I'm Chiquita</p> <p>6 Hall-Jackson on behalf of plaintiff Christine Steyer</p> <p>7 and Martin Pooch in this matter.</p> <p>8 Q Ms. Steyer, I have just a few questions for</p> <p>9 you.</p> <p>10 Going back to Exhibit 10.</p> <p>11 A Yes.</p> <p>12 Q Going back through this document, Exhibit</p> <p>13 10, it's titled Explanation of Documents and</p> <p>14 Specifics Compiled by Christine Steyer.</p> <p>15 Was this prepared for settlement?</p> <p>16 A I'm just looking for the year on this.</p> <p>17 I don't know. I don't see a year on</p> <p>18 it.</p> <p>19 Q And so going to page 4, where it says your</p> <p>20 signature, June 8th, 2016, as you sit here today, do</p> <p>21 you know if you would have filed your EEOC charge by</p> <p>22 that time?</p> <p>23 A Oh, no, we had not.</p> <p>24 Q So, just to be clear, this was not a part</p>

<p style="text-align: right;">Page 182</p> <p>1 of this litigation in preparation for a settlement 2 conference, was it?</p> <p>3 A Correct.</p> <p>4 Q Going back into your 2015 performance in 5 October, eventually you were demoted down to a lower 6 tier, correct?</p> <p>7 A Correct.</p> <p>8 MS. CANTRELL: Objection as to foundation.</p> <p>9 But go ahead.</p> <p>10 MS. HALL-JACKSON: Q What was the 11 difference of you being in the Core Supplemental 12 Chorus versus the Supplemental Chorus?</p> <p>13 A Other than the pay difference, are you 14 referring to that one opera that I was in?</p> <p>15 Q What differences did you notice?</p> <p>16 A Well, when I was in the opera Les Troyens, 17 I did the exact same job that I would have done if I 18 had been in the Core Supplemental Chorus.</p> <p>19 In other words, note for note, costume 20 change for costume change, I did the exact same job 21 in Les Troyens as a Supplemental Chorister as if I 22 had been a chorister. There was absolutely in 23 difference in duties, except for the amount I 24 received in pay.</p>	<p style="text-align: right;">Page 184</p> <p>1 Q Do you recall how many you were in in 2014? 2 A Two or three.</p> <p>3 Q And do you recall how many you were in in 4 2015?</p> <p>5 A 2015 to '16, I believe it was two or three. 6 Q And 2016 to 2017?</p> <p>7 A Oh, I'm sorry. I may be confused. Hold on 8 a second.</p> <p>9 2016 to 2017, one.</p> <p>10 Q And 2017 to 2018?</p> <p>11 A One.</p> <p>12 And I'd just note that there was an 13 exceptional amount of work for Core Supplemental 14 Chorus during that 2016 to 2017 season. Women had 15 never really had five operas ever offered to them.</p> <p>16 So it was an exceptional amount of 17 work that we would have had in that season, and I 18 believe the following season.</p> <p>19 Q And, to be clear, you just said that would 20 have been 2017 to 2018?</p> <p>21 A 2016 to 2017, for sure. And 2017 to 2018, 22 there was going to be a lot more need for Core 23 Supplemental women than had been in the previous 24 seasons.</p>
<p style="text-align: right;">Page 183</p> <p>1 Q And were you required to participate in the 2 same number of rehearsals during your supplemental 3 roles versus your Core Supplemental Chorus roles?</p> <p>4 A There were the same amount of rehearsals 5 for the opera had I been in one or the other 6 category. Except I was reduced to only one opera 7 production, Les Troyens, instead of being in five 8 operas that I would have been in that season.</p> <p>9 Q And you returned back after your sabbatical 10 in 2012, correct?</p> <p>11 A Correct.</p> <p>12 I took a sabbatical in 2006 to 7, and 13 that's when I decided not to return. And so I had to 14 re-audition afresh. However, my seniority carried 15 over.</p> <p>16 Q So your overall break from Lyric would have 17 picked back up in 2012, correct?</p> <p>18 A Because I chose to re-auditon, yes.</p> <p>19 Q So do you recall how many productions you 20 were in in the year 2012?</p> <p>21 A It was two or three.</p> <p>22 Q And do you recall how many you were in in 23 2013?</p> <p>24 A Two or three.</p>	<p style="text-align: right;">Page 185</p> <p>1 Q During 2012 to 2018, was there any 2 part-time work that you did in addition to Lyric?</p> <p>3 A Yes.</p> <p>4 Q And what was that?</p> <p>5 A I stated a lot of that work already.</p> <p>6 Do you want me to restate it?</p> <p>7 Q If you can.</p> <p>8 A Let me have a second to think if there was 9 anything else.</p> <p>10 I also taught some private voice 11 lessons. I did some recitals, but I believe I 12 mentioned that already. I did some roles -- That was 13 prior, excuse me.</p> <p>14 I believe that that's a pretty good 15 description of my roles in the music business during 16 that period of time.</p> <p>17 Q Sure.</p> <p>18 And so earlier you gave a list to 19 Ms. Cantrell of some work that you did simultaneously 20 while at Lyric during 2012 to 2018.</p> <p>21 At any time after you were dropped 22 down to the Supplemental Chorus, was there any 23 particular employer that you continued to work with 24 from previous?</p>

<p style="text-align: right;">Page 186</p> <p>1 So this happened in 2015. For the 2 2016 to 2017 season, and prior to 2017, was there any 3 employer that you continued to engage simultaneously 4 with Lyric?</p> <p>5 A Yes.</p> <p>6 I was still employed by -- Well, 7 pretty much the same people I had been working for 8 prior to my 2015 audition continued to hire me in 9 similar or expanding capacities after that.</p> <p>10 Q Was there any particular employer that you 11 had to pick up to replace your income with The Lyric 12 when you were reduced down to less hours and a lesser 13 performance rate?</p> <p>14 A I was taking every job that was available 15 to me to try to compensate for the loss of -- I'm 16 sorry, can you repeat the question, please.</p> <p>17 Q Is there any particular employer that 18 sticks out to you that you had to now engage in order 19 to make up the difference in pay you would have 20 received had you stayed in your Core Supplemental 21 role with the Lyric Opera?</p> <p>22 A I was saying yes to everything that was 23 presented to me.</p> <p>24 So, basically, I was working a lot</p>	<p style="text-align: right;">Page 188</p> <p>1 many jobs. 2 So I was not able to really supply the 3 comparable amount of finances that I was getting 4 through Lyric.</p> <p>5 Q Did you work at a lot more places in order 6 to make up Lyric's salary?</p> <p>7 A I worked at a lot of other places, but I 8 never made up the amount that I was making at Lyric.</p> <p>9 And, furthermore, these jobs were jobs 10 that were often scheduled at times that would not 11 have conflicted with Lyric. And I would have been 12 able do them both.</p> <p>13 Q At the time you and Mr. Poock went to the 14 EEOC, did you have counsel?</p> <p>15 A No.</p> <p>16 Q At the time you filed your initial 17 complaint in this matter, did you guys have counsel?</p> <p>18 A We had spoken with John Ward at AGMA. 19 So that would be a yes to counsel.</p> <p>20 Q To clarify that, did you guys actually 21 retain and hire any particular counsel to draft your 22 complaint on your behalf?</p> <p>23 A No.</p> <p>24 MS. HALL-JACKSON: No further questions.</p>
<p style="text-align: right;">Page 187</p> <p>1 more hours at a significant reduction in pay, loss of 2 benefits, loss of unemployment benefits, no sick 3 days, no personal days.</p> <p>4 So I was working quite a bit at a much 5 lower hourly rate.</p> <p>6 Q Would it be safe to say after, you had a 7 reduction in rate, that you actually did mitigate 8 your damages in this matter?</p> <p>9 A Can you break that up a little?</p> <p>10 Q Sure.</p> <p>11 So in October 2015 you received -- 12 Well, in the fall of 2015, you received notification 13 that you would not be re-engaged. Then in March of 14 2016 you actually did a re-audition, and you were 15 contracted for one performance. Correct?</p> <p>16 A Correct.</p> <p>17 Q As a result of that, you are now losing 18 significant pay from Lyric Opera, correct?</p> <p>19 A Correct.</p> <p>20 Q As a result of that, what did you do to 21 help reduce defendant's damages to you?</p> <p>22 A Well, I would have still been able to work 23 the same jobs that I would have been working. 24 Because as a freelance musician, you pull together</p>	<p style="text-align: right;">Page 189</p> <p>1 FURTHER EXAMINATION 2 by Ms. Cantrell:</p> <p>3 MS. CANTRELL: Q I just have one 4 follow-up, and more for clarification than anything 5 else.</p> <p>6 Ms. Hall-Jackson just asked you how 7 many productions you did in 2013, '14, '15, '16, and 8 '17. And you stated in 2013 it was roughly two to 9 three; 2014, roughly two to three; 2015-16, roughly 10 two to three; and in 2016-17 it was one, correct?</p> <p>11 A Correct. One each year.</p> <p>12 Q One in 2016-17, and one in 2017-18, 13 correct?</p> <p>14 A Correct.</p> <p>15 Q But you made a statement that said there 16 was an exceptional amount of work for women in the 17 Core during the 2016-17 season. Is that your 18 testimony?</p> <p>19 A Yes.</p> <p>20 Q Okay. So I just want to, real quickly, 21 look back at Exhibit 12 for a second.</p> <p>22 And, again, the bold names are those 23 in the Core, correct?</p> <p>24 A Correct.</p>

<p style="text-align: right;">Page 190</p> <p>1 Q And it appears to me that Jill Dewsnap sang 2 in three operas as a member of the Core, and Kaileen 3 Miller sang in five, correct? 4 A Correct. 5 Q So is it fair to say that when you talk 6 about an exceptional amount of work for the women, 7 the maximum number would have been between three and 8 five; is that right? 9 A Well, if we break it down further, we can 10 look at Soprano II, five operas for both of them. 11 Alto I, five operas for both of them. 12 Q Right. 13 But you're not an alto or a Soprano 14 II. You've said that repeatedly. 15 A Correct. But my answer was Core 16 Supplemental Chorus as a whole. 17 Q Okay. But as a Soprano I, the maximum 18 number of productions that you could have sang in in 19 the 2016-17 season would have been between 3 and 5, 20 had you been employed in the Core? 21 A Correct. 22 MS. CANTRELL: Okay. That's all I have. 23 MS. HALL-JACKSON: All right. I have no 24 further questions.</p>	<p style="text-align: right;">Page 192</p> <p>1 STATE OF ILLINOIS) 2) ss: 3 COUNTY OF C O O K) 4 5 6 The within and foregoing deposition of the 7 aforementioned witness was taken before MARINA 8 MOGILEVSKY, C.S.R., and Notary Public, at the place, 9 date and time aforementioned. 10 There were present during the taking of the 11 deposition the previously named counsel. 12 The said witness was first duly sworn and was 13 then examined upon oral interrogatories; the questions 14 and answers were taken down in shorthand by the 15 undersigned, acting as stenographer and Notary Public; 16 and the within and foregoing is a true, accurate and 17 complete record of all of the questions asked of and 18 answers made by the aforementioned witness, at the time 19 and place hereinabove referred to. 20 The signature of the witness was waived by 21 agreement of counsel. 22 The undersigned is not interested in the 23 within case, nor of kin or counsel to any of the 24 parties.</p>
<p style="text-align: right;">Page 191</p> <p>1 MS. CANTRELL: Thank you. 2 THE WITNESS: Okay. Thank you. 3 MS. CANTRELL: Oh, signature? 4 MS. HALL-JACKSON: We can waive. 5 6 (Whereupon, the deposition concluded 7 at 3:15 p.m. on September 5, 2019.) 8 (Signature waived.) 9 10 11 12 13 * * o O o * * 14 15 16 17 18 19 20 21 22 23 24</p>	<p style="text-align: right;">Page 193</p> <p>1 Witness my official signature as Licensed 2 Certified Shorthand Reporter in and for Cook County, 3 Illinois, on this 13th day of November, 2019. 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p> <div style="text-align: center;">  <p>MARINA MOGILEVSKY, C.S.R., CSR No. 084-004103</p> </div>

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Illinois Code of Civil Procedure

Article II, Part E

Rule 207, Signing and Filing Depositions

Signing and Filing Depositions

(a) Submission to Deponent; Changes; Signing.

Unless signature is waived by the deponent, the officer shall instruct the deponent that if the testimony is transcribed the deponent will be afforded an opportunity to examine the deposition at the office of the officer or reporter, or elsewhere, by reasonable arrangement at the deponent's expense, and that corrections based on errors in reporting or transcription which the deponent desires to make will be entered upon the deposition with a statement by the deponent that the reporter erred in reporting or transcribing the answer or answers involved. The deponent may not otherwise change either the form or substance of his or her answers. The deponent shall provide the officer with an electronic or physical address to which notice is to be sent when the transcript is available for examination and signing. When the deposition is fully transcribed, the officer shall deliver to the deponent, at the address supplied,

notice that it is available and may be examined at a stated place at stated times, or pursuant to arrangement. After the deponent has examined the deposition, the officer shall enter upon it any changes the deponent desires to make, with the reasons the deponent gives for making them. If the deponent does not appear at the place specified in the notice within 28 days after the mailing of the notice, or within the same 28 days make other arrangements for examination of the deposition, or after examining the deposition refuses to sign it, or after it has been made available to the deponent by arrangement it remains unsigned for 28 days, the officer's certificate shall state the reason for the omission of the signature, including any reason given by the deponent for a refusal to sign. The deposition may then be used as fully as though signed, unless on a motion to suppress under Rule 211(d) the court holds that the reasons given by the deponent for a refusal to sign require rejection of the deposition in whole or in part.

(b) Certification, Filing, and Notice of Filing.

(1) If the testimony is transcribed, the officer

shall certify within the deposition transcript that the deponent was duly sworn by the officer and that the deposition is a true record of the testimony given by the deponent. A deposition so certified requires no further proof of authenticity

(2) Deposition transcripts shall not be filed with the clerk of the court as a matter of course. The party filing a deposition shall promptly serve notice thereof on the other parties and shall file the transcript and any exhibits in the form and manner specified by local rule.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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